

URBAN/MUNICIPAL

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M21

June -

1990

MINUTES OF THE MEETING OF  
CITY OF HAMILTON







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M21  
URBAN/MUNICIPAL  
1990

MEETING OF HAMILTON CITY COUNCIL  
TUESDAY, JUNE 26, 1990  
7.30 O'CLOCK, P.M.

URBAN MUNICIPAL

SEP 19 1991

The Council met.

GOVERNMENT DOCUMENTS

PRESENT: Alderman D. Ross, Acting Mayor.

Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Christopherson,  
Agostino, Jackson, Merling, Gallagher.

ABSENT: Mayor Morrow (City Business)  
Alderman Hinkley (City Business)  
Alderman Lombardo (City Business)  
Alderman Smith (Vacation)  
Alderman Murray (City Business)

Alderman D. Ross, Acting Mayor, called the meeting to order.

Reverend Gordon Fish, St. John, St. Andrew and St. David's Presbyterian Church,  
led the Council in prayer.

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Civic awards were presented to:

- (a) Theresa Wolf who won the Novice title at the Ontario Elite  
Gymnastics Championship.
- (b) Members of the Bishop Ryan Wrestling Team for winning the  
1990 Ontario Federation Secondary School Athletic Wrestling  
Championships on March 5-6, 1990, at the University of Windsor.

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The minutes of the meeting of May 29, 1990, were taken as read and approved.

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The following communications were received and forwarded to the appropriate Committee, except as indicated:

1. Letter dated June 22, 1990, from Mr. Andy Robertson, 240 Bendamere Ave., Hamilton, Ontario, concerning the Arena Feasibility Study.  
**Referred to the Parks and Recreation Committee.**
2. Letter dated June 23, 1990, from Mr. John J. Harkness, Architect, 442A Brant Street, Burlington, Ontario, re Zoning Application 90-29 for Property at No. 1024 Upper Wentworth Street, Hamilton, Ontario.  
**Received.**
3. Letter dated June 23, 1990, from Aurelia Shaw, 42 Head Street, Hamilton, Ontario, re saving the Strathcona Street Firehall.  
**Received.**
4. Application dated June 13, 1990, from Stalward Homes, 152 Hester Street, Hamilton, Ontario, for a change in zoning of property located at 236 Stone Church Road West.  
**Received.**
5. Application dated June 18, 1990, from Slovenian Society of St. Joseph Hamilton, 125 Centennial Parkway, Hamilton, Ontario, for a change in zoning of property located at the rear of 125 Centennial Parkway.  
**Received.**
6. Application dated May 25, 1990, from Intermediate Terminals, Division of Canpac Freight Services Limited, 10765 De Liesse Road, Suite 410, Montreal, Dorval, Quebec, for a modification to the zoning of property located at 400 Grays Road.  
**Received.**
7. Application dated June 8, 1990, from Andy Robertson & others, 240 Bendamere Avenue, Hamilton, Ontario, for a modification to the zoning of property located at 25 Hester Street.  
**Received.**



8. Application dated June 5, 1990, from Mr. Philip Mancini, 17 Winthrop Place, Stoney Creek, Ontario, for a further modification to the zoning of property located at 30 Rymal Road East. Received.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole on the Reports, with Alderman Gallagher in the chair.

YEAS; Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Christopherson, Agostino, Jackson, Merling, Gallagher, Ross. - 12.

NAYS: 0 - CARRIED.

\* \* \* \* \*

(B) TRANSPORT AND ENVIRONMENT COMMITTEE - EIGHTH REPORT.

\* \* \* \* \*

(C) PARKS AND RECREATION COMMITTEE - TWELFTH REPORT.

It was moved by Alderman Copps and seconded by Alderman Christopherson.

RESOLVED: that Section 14 of the EIGHTH Report of the Parks and Recreation Committee, adopted by City Council at its meeting held on April 24, 1990, BE RECONSIDERED. CARRIED.

(Re: The Purchase and Relocation of the Former Strathcona Fire Hall).

\* \* \* \* \*

It was moved by Alderman Merling and seconded by Alderman Cooke.

RESOLVED: that Section 14 of the EIGHTH Report of the Parks and Recreation Committee, adopted by City Council at its meeting held on April 24, 1990, BE TABLED. CARRIED.

\* \* \* \* \*



It was moved by Alderman Kiss and seconded by Alderman Agro.

RESOLVED: that Section 5 be amended by deleting Subsections (a) and (b) and inserting in lieu thereof the following:

- (a) That a purchase order be issued to Guild Electric, Burlington, in the amount of \$54,690. to replace Light Fixtures for poles 1 and 3, at Ivor Wynne Stadium, in accordance with specifications issued by the Manager of Purchasing and Vendor's Tender.
- (b) That a contract be entered into satisfactory to the City Solicitor.
- (c) That a purchase order be issued to Northshore Contracting, Ancaster. in the amount of \$28,750. to replace Light Fixtures for pole 2 at Ivor Wynne Stadium, in accordance with specifications issued by the Manager of Purchasing and Vendor's Tender.

NOTE: Lowest acceptable of nine (9) tenders received. Funds provided in Ivor Wynne Stadium, Renovations and Repairs Account No. CH 56398 62910. - CARRIED.

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It was moved by Alderman McCulloch and seconded by Alderman Jackson.

RESOLVED: that the following be added as Section 25.

- "25. That approval be given to create a position of Landscape Architect through the attrition of an existing labourer position in the Department of Public Works. - CARRIED.

\* \* \* \* \*



It was moved by Alderman Jackson and seconded by Alderman Merling.

RESOLVED: that Rule 8 of City of Hamilton Procedural By-law No. 82-203 be invoked for this meeting of City Council in order to consider a resolution dealing with the Mountain Arena Twinning/Design Building Project and the method of financing the additional funding required to proceed with this Project. - CARRIED.

\* \* \* \* \*

It was moved by Alderman Jackson and seconded by Alderman Agostino.

- RESOLVED: (a) That approval be given to enter into a contract, satisfactory to the City Solicitor, with Besto Construction Corp. of Hamilton for \$1,761,586. to design and build a fully operational arena, subject to a completed set of working drawings and specifications produced by Bestco, and acceptable to the City.
- (b) That the total funding of \$2,011,586. for the project be approved, and that the Treasurer be requested to recommend the method of financing the additional \$511,586.
- (c) That the Mayor and City Clerk execute the contract on behalf of the City, once the Community Recreational Capital Program 91-92 grant application has been deemed complete by the Province.
- (d) That the additional amount required for the Mountain Arena Twinning/Design Building Project, in the amount of \$511,586., increasing the gross cost from \$1,500,000. to \$2,011,586., be financed from the Reserve for Capital Projects, and the gross cost for the project known as the Twin Pad Arena be reduced by this increase so that the final amount available to fund the Twin Pad Arena in the future will be limited to \$5,588,414. (that is, \$7,600,000. minus \$2,011,586.)

YEAS: Aldermen Agro, Drury, Christopherson, Agostino, Jackson, Merling, Gallagher, Ross. - 8.

NAYS: Aldermen Cooke, Kiss, McCulloch, Copps. - 4. CARRIED.

\* \* \* \* \*



(D) PLANNING AND DEVELOPMENT COMMITTEE - TWELFTH REPORT.

It was moved by Alderman Merling and seconded by Alderman Jackson.

RESOLVED: that Section 21 be amended to include the following:

"(b) (v) That the approved Mountain Industrial Area Plan be amended by redesignating the subject lands from Restricted Industrial to Restricted Commercial. - CARRIED.

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(E) INFORMATION SYSTEMS COMMITTEE - FOURTH REPORT.

\* \* \* \* \*

(F) CITY OF HAMILTON LICENSING COMMITTEE - FOURTH REPORT.

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(F) CITY OF HAMILTON LICENSING COMMITTEE - FIFTH REPORT.

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(G) FINANCE AND ADMINISTRATION COMMITTEE - NINETEENTH REPORT.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that Alderman T. Murray be appointed Acting Mayor for the month of July, 1990. - CARRIED.

\* \* \* \* \*



It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted. -

YEAS: Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Christopherson, Agostino, Jackson, Merling, Gallagher, Ross. - 12.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a first time:

B-68, B-69, B-70, B-71, B-72, B-73,  
C-2,  
D-68, D-69, D-70, D-71, D-72, D-73, D-74, D-75, D-76, D-77, D-78,  
D-79, D-80, D-81, D-82, D-83, D-84, D-85, D-86, D-87, D-88,  
G-35, G-37.

YEAS: Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Christopherson, Agostino, Jackson, Merling, Gallagher, Ross. - 12.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Gallagher in the chair.

B-68, B-69, B-70, B-71, B-72, B-73,  
C-2,  
D-68, D-69, D-70, D-71, D-72, D-73, D-74, D-75, D-76, D-77, D-78,  
D-79, D-80, D-81, D-82, D-83, D-84, D-85, D-86, D-87, D-88,  
G-35, G-37.

YEAS: Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Christopherson, Agostino, Jackson, Merling, Gallagher, Ross. - 12.

NAYS: 0 - CARRIED.

\* \* \* \* \*



Consideration of the Bills (second reading).

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole (second reading) on the Bills, be adopted. -

YEAS: Aldermen Cooke, Kiss, Agro, McCulloch, Drury, Copps, Christopherson, Agostino, Jackson, Gallagher, Ross. - 11.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a third time:

B-68, B-69, B-70, B-71, B-72, B-73,  
C-2,  
D-68, D-69, D-70, D-71, D-72, D-73, D-74, D-75, D-76, -77, D-78,  
D-79, D-80, D-81, D-82, D-83, D-84, D-85, D-86, D-87, D-88,  
G-35, G-37.

YEAS: Aldermen Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Lombardo, Jackson, Gallagher, Ross. - 11.

NAYS: 0 - CARRIED.

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City Council adjourned at 9.05 o'clock, p.m.

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**REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE**

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **NINTH** Report for 1990 and respectfully recommends:

1.     (a)     That a claims adjusting firm be retained on a contractual basis to process general liability and vehicle accident claims as determined by the Co-ordinator of Claims and Administrative Services in the Public Works Department and the City Solicitor's Office.
- (b)     That proposals for the purpose of retaining a claims adjusting firm on a contractual basis be called.
- (c)     That the adjusting fees associated with the above be funded from the General Claims Account No. CH55296 24130.
2.     That the purchase order to the firm Varga Bros. Wrecking Limited be increased by \$22 062. to a total amount of \$89 552. to be charged to Account No. CH5X327 00102 (Reserve for Property Purchases) for additional work involved in removing from the site and disposing of concrete and rubble found below grade during the demolition of the building of the former Public Works District No. 5 Yard located on Mohawk Road East and Warren Avenue.
3.     That an Option to Purchase executed by Brenda F. Evans on May 31, 1990 and scheduled for closing on or before August 20, 1990 for the purchase of part of the property at 848 Upper Wentworth Street required by the City for the extension of Fieldway Drive from Fieldway Drive to Millwood Place, be approved and completed.

**NOTE:** The subject property contains 1 740.75 square feet (161.72 square metres) and is shown as Parts 11 and 12 on Plan 62R-11054. Consideration in the amount of \$1. has been paid to the owners and forms part of the purchase price.

The purchase price of \$2. is to be charged to Account No. CF5698 528946015.



4. That an Option to Purchase executed by Nicola Clarizio and Rosalba Clarizio on June 4, 1990 and scheduled for closing on or before August 24, 1990 for the purchase of part of the property at 852 Upper Wentworth Street required by the City for the extension of Fieldway Drive from Fieldway Drive to Millwood Place, be approved and completed.

NOTE: The subject property contains 3 300 square feet (306.57 square metres) and is shown as Parts 13, 14 and 15 on Plan 62R-11054. Consideration in the amount of \$1. has been paid to the owners and forms part of the purchase price.

The purchase price of \$13 250. is to be charged to Account No. CF5698 528946015.

5. That an Option to Purchase executed by Luigi Capostagno, Trustee and Paulina Capostagno on May 31, 1990 and scheduled for closing on or before August 23, 1990 for the purchase of part of the property at 860 Upper Wentworth Street required by the City for the extension of Fieldway Drive from Fieldway Drive to Millwood Place, be approved and completed.

NOTE: The subject property contains 6 500.7 square feet (603.97 square metres) and is shown as Parts 16, 17 and 18 on Plan 62R-11054. Consideration in the amount of \$1. has been paid to the owners and forms part of the purchase price.

The purchase price of \$26 000. is to be charged to Account No. CF5698 528946015.

6. That the applications for on-site garbage collection service to the locations listed below, be approved provided the following conditions are met:

- (a) That the owners enter into agreements satisfactory to the City Solicitor to indemnify and save the City harmless against any loss, and to purchase and file with the City Clerk an insurance policy to this effect, such insurance to be in an amount satisfactory to the Director of Public Works.
- (b) That the Mayor and City Clerk be authorized to sign and execute these agreements.



	Applicant	Location
(i)	Barney Rosenblatt and Ruco Investments Limited (Mayfair Apartments)	455 Upper Gage Avenue
(ii)	Hamilton Baptist Non-Profit Homes Corporation	300 Limeridge Road East
(iii)	Applegrove Co-operative Homes Inc.	1380 Upper Ottawa Street
(iv)	195 Wellington Investments Limited c/o Gustav Fisher	195 Wellington Street South
(v)	Hamilton Baptist Non-Profit Homes Corporation	250 Limeridge Road East
(v)	Green Circle Non-Profit Housing Inc.	80 Gilcrest Street

7. That a purchase order be issued to G. F. Mason Excavating Ltd., Fruitland, for the supply and delivery of Top Soils as and when required during 1990, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, as follows:

Shredded Top Soil	-	\$ 10.40 per yard
Shredded Manure	-	\$ 21.50 per yard
Regular Top Soil	-	\$ 8.90 per yard
Sandy Fill	-	\$ 9.50 per yard
Cow Manure	-	\$ 10.90 per yard

NOTE: Lowest of two (2) tenders received. Funds provided in Stock Materials Account No. CH56197 60999.

8. (a) That the Commissioner of Public Works be directed to improve the temporary pavement on Dulgaren Street from Eleanor Avenue to Presidio Drive and connect this pavement to the Presidio Drive at an estimated cost of \$9 000.
- (b) That the Finance and Administration Committee be requested to recommend the method of financing.



9. (a) That the submitted schedules for the estimated cost of services in the following subdivisions:
- (i) Beaverton Estates - Hamilton  
(City's share - \$174 940.50, Owner's share \$99 768.40)
  - (ii) Sandrina Gardens, Phase I - Hamilton  
(City's share - \$160 296., Owner's share \$1 015 143.14)
  - (iii) Effort Gardens - Hamilton  
(City's share - \$230 478.83, Owner's share \$665 184.30)
- be adopted for inclusion in the respective Subdivision Agreements with the owners.
- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements between the City and the respective owners.
- (c) That the approval of the above clauses be subject to the condition that no work be commenced until the Final Survey Plan and Subdivision Agreement have been registered.
- (d) That in the event the Subdivider wishes to proceed prior to the registration of the Final Survey Plan, he should be permitted to do so at his own risk, providing that he enter into a Standard Agreement for Pre-Servicing.
- (e) That the City's share of the cost of services for these developments (\$565 715.33) be approved, and that the Finance and Administration Committee recommend the source of funding for these projects.
10. That the Two Plus Management Inc. be permitted to display a promotional banner across Main Street West in front of City Hall, from Monday, June 25, 1990 to July 2, 1990 with the following message:
- "Amstel Light 1/2 Marathon & Relay  
This Sunday, Welcome"
11. That applications for Inadvertent Encroachment Agreements as set out in Schedule "A" attached hereto, be approved subject to the following provisions:
- (a) That the owner enter into agreements satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
  - (b) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement these agreements.
  - (c) That a first year fee and a subsequent annual fee as determined in Schedule "A" be set for this privilege.



12. That the list of personnel appointed as By-law Enforcement Officers for the City of Hamilton be revised:

by adding the following names:

Grant M. Spence  
Rodger A. Collins  
William F. McCully  
William J. Baswick

and by deleting the following name:

Louise J. Angeline

13. (a) That the existing Commercial Boulevard Parking Agreement registered as Instrument No. 126180 C.D. to the property at No. 135 - 145 MacNab Street North be discharged, at the property owner's expense; and
- (b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement.
14. (a) That the existing Residential Boulevard Parking Agreement registered as Instrument No. 449671 C.D. to the property at No. 579 Catharine Street North be discharged, at the property owner's expense; and
- (b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement; and
- (c) That the City Treasurer be directed to revise the billing records accordingly.
15. That the Director of Traffic Services be authorized to issue, upon request, one time limit permit to each of the first seven applicants residing in the building at No. 165 Park Row South.
16. That the City Traffic By-law No. 89-72 be amended to provide for the following:
- (a) (i) That a "Permit Parking" regulation be implemented on the east side of Ray Street South between Jackson Street West and Canada Street; and
- (ii) That the Director of Traffic Services be authorized to initially issue one parking permit to eligible applicants residing in Nos. 82, 84, 86 and 98 Ray Street South, and two parking permits to the eligible resident at No. 85 Ray Street South; and
- (iii) That in the future, if parking permits are available, the Director of Traffic Services be authorized to redistribute the parking permits to other eligible applicants residing in the block, on a first come, first served basis provided that the maximum of seven permits is not exceeded.

- (b) (i) That a "Permit Parking" regulation be implemented on both sides of Princess Street between Earl Street and Sherman Avenue; and
- (ii) That the Director of Traffic Services be authorized to issue one parking permit, upon request, to one resident of each of the 14 residential properties abutting the block and any additional permits (to a maximum of 20) on a first come, first served basis.
- (c) That the existing "Two Hour Parking Time Limit, 7:00 a.m. to 5:00 p.m. Monday to Saturday" regulation on the east side of MacNab Street North between Mulberry and Colbourne Streets be changed to a "30 Minute Parking Time Limit, 7:00 a.m. to 5:00 p.m., Monday to Saturday" regulation.
- (d) (i) That a "Permit Parking" regulation be implemented on both sides of Grant Avenue from the north curb line of Alanson Street to the south end; and
- (ii) That the Director of Traffic Services be authorized to initially issue one parking permit to eligible residents residing in Nos. 194, 205, 209, 213, and 217 Grant Avenue and two parking permits to the eligible residents residing in Nos. 190 and 192 Grant Avenue; and
- (iii) That in the future, if parking permits become available, the Director of Traffic Services be authorized to redistribute parking permits to other eligible applicants residing in the block on a first come, first served basis, provided that the maximum number of nine permits is not exceeded.
- (e) That parking be prohibited on the west side of Emerson Street between Holmes Avenue and Whitney Avenue.
- (f) That the existing "Alternate Side Parking" regulation on Ivon Avenue between Melvin Avenue and Britannia Avenue be removed; and that parking be prohibited on the west side of Ivon Avenue between Melvin Avenue and Britannia Avenue.
- (g) That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m. Monday to Friday" regulation be implemented on the south side of Jackson Street West between Poulette Street and the west end.
- (h) That parking be prohibited on the south side of Fennell Avenue East commencing at a point 52 feet east of High Street and extending to a point 36 feet easterly therefrom.
- (i) That parking be prohibited on the west side of Dalewood Crescent commencing at a point 27 feet south of Sterling Street and extending to a point 100 feet southerly therefrom.
- (j) That parking be prohibited on the north side of Elkwood Drive commencing at West 5th Street and extending to a point 91 feet westerly therefrom.



- (k) That stopping be prohibited on the west side of East 19th Street between Fennell Avenue and a point 111 feet northerly therefrom.
- (l)
  - (i) That a "No Stopping" regulation be implemented on the west side of Kenora Avenue commencing at a point 99 feet north of the north curbline of Janet Court and extending to a point 104 feet northerly therefrom; and
  - (ii) That a "No Stopping" regulation be implemented on the west side of Kenora Avenue commencing at a point 38 feet north of the north curbline of Village Drive and extending to a point 64 feet southerly therefrom.
- (m) That a "No Stopping" regulation be implemented on the north side of Vansitmart Avenue commencing at Division Street and extending to a point 70 feet westerly therefrom.
- (n)
  - (i) That a "Permit Parking" regulation be implemented on the west side of Grosvenor Avenue North commencing at a point 300 feet north of Dunsmure Road and extending to a point 20 feet northerly therefrom, and on the east side of Grosvenor Avenue North commencing at a point 298 feet north of Dunsmure Road and extending to a point 20 feet northerly therefrom; and
  - (ii) That the Director of Traffic Services be authorized to issue one parking permit to Mrs. Arlene Newsham, 121 Grosvenor Avenue North.
- (o)
  - (i) That a "Permit Parking" regulation be implemented on the south side of Picton Street, commencing at a point 113 feet west of Ferguson Avenue North and extending to a point 20 feet westerly therefrom; and
  - (ii) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Hugh Labelle, 172 Picton Street East.
- (p) That a three-way stop control be implemented at the intersection of Bobolink Road and Goldfinch Road.
- (q) That a four-way stop control be implemented at the intersection of West 25th Street and Leslie Avenue.
- (r) That southbound traffic on Tudor Street be required to stop for eastbound and westbound traffic on Templemead Drive.

- (s) (i) That the existing direction of stop control at the intersection of Broadway Avenue and Ward Avenue be switched such that northbound and southbound traffic on Broadway Avenue would be required to stop for eastbound and westbound traffic on Ward Avenue; and
  - (ii) That stopping be prohibited on the south side of Ward Avenue commencing at Broadway Avenue and extending to a point 130 feet westerly therefrom.
  - (t) (i) That the direction of stop control at the intersection of Glendale Avenue North and Primrose Avenue be switched, such that northbound and southbound traffic on Glendale Avenue be required to stop for eastbound and westbound traffic on Primrose Avenue; and
  - (ii) That the existing "No Stopping" corner clearances on both sides of Glendale Avenue, north and south of Primrose Avenue be rescinded; and
  - (iii) That a "No Stopping" corner clearance be implemented on the north side of Primrose Avenue from Glendale Avenue to a point 65 feet westerly; and
  - (iv) That a "No Stopping" corner clearance be implemented on the south side of Primrose Avenue from Glendale Avenue to a point 46 feet westerly therefrom; and
  - (v) That a "No Stopping" corner clearance be implemented on the north side of Primrose Avenue from Glendale Avenue to a point 60 feet easterly therefrom.
17. (a) That the following City lands be incorporated into streets as noted:
- (i) Part of Parts 1, 2 and all of Part 3, Plan 62R-8380 into Highridge Avenue
  - (ii) Part of Part 2 and all of Part 4, Plan 62R-8380 into Donn Avenue
  - (iii) Part of Part 1, Plan 62R-8380 into Bow Valley Drive
- (b) That the appropriate by-laws be enacted to give effect to this resolution.
- (c) That the Commissioner of Engineering be authorized and directed to register the by-laws.



18. (a) That the City Solicitor be authorized to make an application to a District Court Judge under Section 82 of the Registry Act, R.S.O. 1980 for an order to stop-up and close the unopened road allowance of Leaway Avenue between 813 and 823 Stone Church Road East.
- (b) That the Commissioner of Engineering be authorized and directed to sign an affidavit setting out that no public funds have been expended on the road allowance to be closed.
- (c) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor, and that the applicant be responsible for all fees payable in District Court.
- (d) That the applicant register a reference plan under The Registry Act, said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, and to delineate the manner in which the closed portion is to be distributed among the abutting owners(s), and that the applicant deposit a reproducible copy of said plan with the Regional Surveyor.
- (e) That the Commissioner of Engineering be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval for the proposed closing pursuant to Section 48 of the Regional Municipality of Hamilton-Wentworth Act.
- (f) That the Director of Property be authorized to proceed with the disposition of the subject lands to the abutting owners.

Provided the Judge's Order to close the highway is granted:

- (i) That the City Solicitor be directed to prepare a by-law for the sale of the closed highway to the abutting owner(s).
- (ii) That the City Clerk be directed to publish a notice pursuant to Section 301 of The Municipal Act, R.S.O. 1980, of the City's intention to pass the by-law.

19. (a) That the City Solicitor be authorized to make an application to a District Court Judge under Section 82 of the Registry Act, R.S.O. 1980 for an order to stop-up and close the laneway south of Ainslie Avenue between Emerson Street and Hillview Street.
- (b) That the Commissioner of Engineering be authorized and directed to sign an affidavit setting out that no public funds have been expended on the laneway to be closed.
- (c) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor, and that the applicant be responsible for all fees payable in District Court.
- (d) That the applicant register a reference plan under The Registry Act, said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, and to delineate the manner in which the closed portion is to be distributed among the abutting owners(s), and that the applicant deposit a reproducible copy of said plan with the Regional Surveyor.
- (e) That the Commissioner of Engineering be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval for the proposed closing pursuant to Section 48 of the Regional Municipality of Hamilton-Wentworth Act.
- (f) That the Director of Property be authorized to proceed with the disposition of the subject lands to the abutting owners.

Provided the Judge's Order to close the laneway is granted:

- (i) That the City Solicitor be directed to prepare a by-law for the sale of the closed laneway to the abutting owner(s).
- (ii) That the City Clerk be directed to publish a notice pursuant to Section 301 of The Municipal Act, R.S.O. 1980, of the City's intention to pass the by-law.



- 20.
- (a) That the revised Traffic Department organization appended hereto as Schedule "B", be approved; and
  - (b) That various existing positions be re-titled as Manager of Community Traffic Services, Parking Control and Prosecution Co-ordinator, Parking Control Supervisor and Parking Control Officer, respectively; and
  - (c) That the position of Chief Prosecutor be approved (new staff) effective July 2, 1990; to be funded by revenue increases; and
  - (d) That the Commissioner of Human Resources be requested to determine the appropriate salary schedule for the positions of Manager of Community Traffic Services, Parking Control and Prosecution Co-ordinator, and Chief Prosecutor; and
  - (e) That three additional Parking Control Supervisors be approved, effective July 30, 1990; to be funded by revenue increases; and
  - (f) That the purchase of one automobile with radio and equipment, be approved; and
  - (g) That the City Treasurer increase funds in the following accounts in the 1990 current budget:
    - (i) Account No. CH51001 75020 (Salaries and Wages) and associated equipment and benefit accounts, by \$186 000. annualized (\$83 000. in 1990 for five months for supervisors and six months for prosecutor);
    - (ii) Account No. CH58002 75020 (for one automobile), by \$20 000. (one time expenditure); and
  - (h) That the City Treasurer increase the anticipated revenue in the 1990 current budget Account No. CH45201 75020 by \$206 000. to offset the increased costs in other accounts.
21. That leave be granted to introduce the following Bills:
- (a) **Bill B-68** A By-law to Establish a Public Walkway From Upper James Street to Allison Crescent, Part 3 Plan 62R-10569
  - (b) **Bill B-69** A By-law to Amend By-law No. 89-72 to Regulate Traffic
  - (c) **Bill B-70** A By-law to Amend By-law No. 89-72 to Regulate Traffic

- (d) Bill B-71 A By-law to Incorporate Part 4 and Part of Part 2,  
Plan 62R-8380 into Donn Avenue
- (e) Bill B-72 A By-law to Incorporate Part 3 and Part of Parts 1 and 2,  
Plan 62R-8380 into Highridge Avenue
- (f) Bill B-73 A By-law to Incorporate Part of Part 1, Plan 62R-8380 into  
Bow Valley Drive

Respectfully Submitted,

ALDERMAN H. MERLING, CHAIRMAN  
TRANSPORT AND ENVIRONMENT COMMITTEE

J. J. Schatz, Acting Secretary  
June 18, 1990

mjlw



SCHEDULE "A"

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>Fees 1st Year/Annual</u>	<u>File No.</u>
13 & 15 Keith Street	Front Steps 8' X 2.15'	Petrini, Rubenstein & Waxman Barristers & Solicitors 242 James Street South Hamilton, Ontario L8P 3B3	\$105.00/\$20.00	T103-50(878)
9 & 11 Keith Street	Front Steps 8' X 1' Chain Link Fence 40' X 14' Wood Stoop 3' X 4'	Petrini, Rubenstein & Waxman Barristers & Solicitors 242 James Street South Hamilton, Ontario L8P 3B3	\$105.00/\$20.00	T103-50(883)
53 Rosslyn Avenue North	2 Brick Pillars 1st = 2' X 0.40' 2nd = 2' X 0.88'	Yachetti, Lanza & Restivo Barristers & Solicitors 105 Main Street East Suite 800 P.O. Box 950 M.P.O. Hamilton, Ontario L8N 3P9	\$105.00/\$20.00	T103-50(884)
29 Clyde Street	Front Steps 7' X 3'	Turkstra, Mazza Associates Lawyers 15 Bold Street Hamilton, Ontario L8P 1T3	\$105.00/\$20.00	
74 - 76 Walnut Street South	Covered Porch 0.35' X 0.16'	Kingsmill, Ross & McBride Barristers & Solicitors 1 King Street West P.O. Box 907 Hamilton, Ontario L8N 3P6	\$105.00/\$20.00	
69 John Street South	Garbage Bin 4' X 4' Two Steel Poles 2'2" each Loading Dock Bumper 1' X 10'	Stradwick Investments Canada Limited 505 York Boulevard Hamilton, Ontario L8R 3K4	\$105.00/\$20.00	

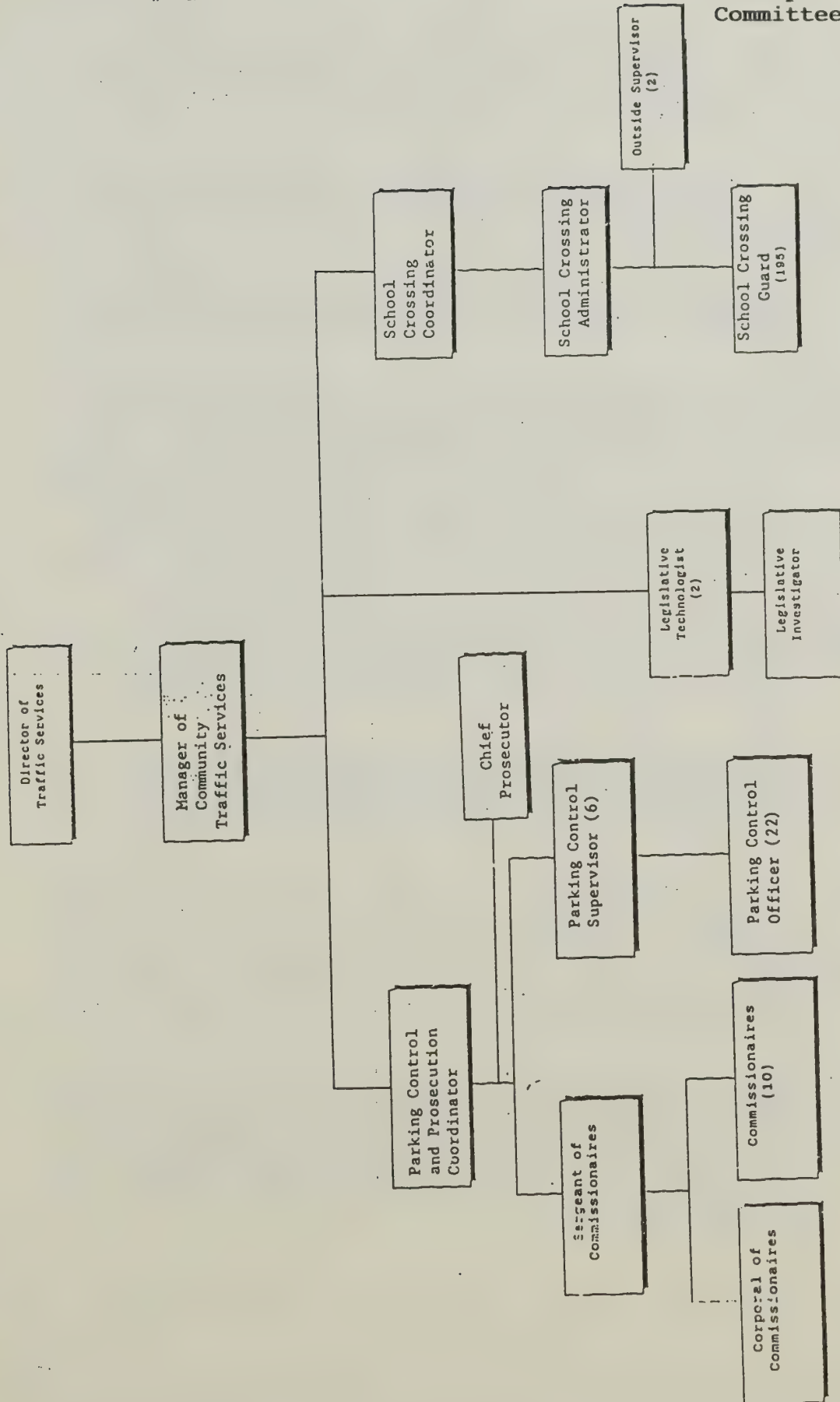
Schedule "A" as referred  
to in Section 11 of the  
NINTH Report of the  
Transport and Environment  
Committee

City Council June 26, 1990

SCHEDULE "A"

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>Fees 1st Year/Annual</u>	<u>File No.</u>
70 Campbell Avenue	Concrete Steps 2.26' X 5' Cement Veranda 0.08' X 30' Frame Shed 0.25' X 25'	Davis, Baldwin & Kvas P.O. Box 917 20 Hughson Street South Hamilton, Ontario L8N 2A1	\$105.00/\$20.00	T103-50(869)





## REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its TWELFTH Report for 1990 and respectfully recommends:

\*1. "Whereas City Council at its meeting held 1990 April 24 approved Section 14 of the EIGHTH Report of the Parks and Recreation Committee which read as follows:

(a) That the former Strathcona Firehall located on the North west corner of Strathcona Avenue North and Head Street be purchased by the City for \$1 from the Hellenic Community to be used as a cultural facility and moved to a temporary site in Victoria park (facing Strathcona Avenue at the head of Lamoureaux Street) subject to a final decision for a permanent location.

(b) That the costs of moving the building be charged to City's Reserve Fund for the Acquisition of Historic Properties.

NOTE: An original estimate to move and relocate the building on a full Basement was in the amount of \$210 000, this cost will be increased to include a interim move to the temporary site.

(c) That a Special Account, be opened under the auspices of the Corporation of the City of Hamilton as the "Friends of the Strathcona Firehall" Account to receive donations for the relocation of the Firehall.

(d) That the responsibility for administering and operating the Strathcona Firehall as a cultural facility be within the Department of Culture and Recreation.

(e) That all avenues for alternate sources of funding be investigated including the senior levels of Government as well as from the private sector.

NOTE: For the Information of the Members of Council, the Parks and Recreation Committee have requested that the Director of Culture and Recreation prepare a full report on the relocation of the Strathcona Firehall to include permanent sites; moving costs both temporary and permanent; costs to upgrade the building; and administration and maintenance costs of the cultural facility.

\* Section 1 reconsidered and tabled.



And Whereas additional information has been provided in a report from the Director of Culture and Recreation entitled "The Strathcona Fire Hall Report" dated 1990 June 07, with respect to moving costs and renovation costs.

Now therefore it is recommended that Section 14 of the EIGHTH Report of the Parks and Recreation Committee be RECONSIDERED".

NOTE: For the information of City Council, additional background including the Strathcona Fire Hall Report dated 1990 June 07 was distributed to Members of City Council on 1990 June 22. Additional copies available from the Secretary of the Parks and Recreation Committee.

2. (a) That approval be given for the Parks Division of the Public Works Department to utilize the \$25 000 Friends of the Parks donation, received from the Robinson Funeral Home towards the re-development of Wellington Park.
- (b) That the Treasury Department, be authorized to supplement the \$150 000 Capital Budget Funding commitment for Wellington Park with the \$25 000 Friends of the Parks donation, to establish a new funding level of \$175 000.

NOTE: Receipt of the \$25 000 donation will enable the Parks Division to restore the Wellington Park fountain as a portion of the overall park re-development.

3. That holdback in the amount of \$8 190 be released to Western Plumbing and Heating for the substantial performance of the contract, P.O. 4773, for Pool Renovations at Dalewood Recreation Centre pending receipt by the Treasury of the Standard Release Forms from the contractor and City Solicitor's Department.
4. That final holdback in the amount of \$6 945.30 be released to Electrical Maintenance Services for the completion of the contract, P.O.'s 4034 and 7886, for Baseball Lighting at Bernie Arbour Stadium, pending receipt by the Treasury Department of the standard release forms from the contractor and City Solicitor.
- \* 5. (a) That a purchase order be issued to Guild Electric, Burlington, in the amount of \$81 883 to replace Light Fixtures at Ivor Wynne Stadium, in accordance with specifications issued by the Manager of Purchasing and Vendor's Tender.
- (b) That a contract be entered into satisfactory to the City Solicitor.

\* Section 5 amended, see page 2695

NOTE: Lowest of nine (9) tenders received. Funds provided in Ivor Wynne Stadium, Renovations and Repairs Account No. CH56398 62910.

6. (a) That a purchase order be issued to McLean-Peister Limited, Kitchener, in the amount of \$249 650 to provide the site improvements and landscaping at Carter Park in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.
- (b) That a contract be entered into satisfactory to the City Solicitor.

NOTE: Lowest of four (4) tenders received. Funds provided in Corktown Stinson, Carter Park Improvements Account No. CF5200 428701204.

7. That a purchase order be issued to Metroland Printing, Willowdale, in the amount of \$25 374.62 for the printing and distribution of the Culture and Recreation Program and Facilities Brochure, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of four (4) tenders received. Funds provided in Program (Special Events) Advertising and Promotion Account No. CH56302 70001.

8. (a) That a purchase order be issued to J. L. Sound Systems, Hamilton, in the amount of \$77 171.40 to supply and install a sound system at Ivor Wynne Stadium, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.
- (b) That a contract be entered into satisfactory to the City Solicitor.

NOTE: As this work is to be completed before the first Tiger Cat home game July 03, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

Lowest acceptable of five (5) tenders received. Funds provided in Ivor Wynne Stadium, Renovations and Repairs Account No. CH56398 62910.

9. (a) That a purchase order be issued to Wm. Groves Ltd., Hamilton, in the amount of \$103 030 for the Stone Fence Restoration at Sam Lawrence Park, in accordance with specifications issued by the Manager of Purchasing and Vendor's Quotation.
- (b) That a contingency of 25% of the contract amount be approved.



- (c) That a contract be entered into satisfactory to the City Solicitor.

NOTE: Lowest of ten (10) quotations received. Funds provided in Sam Lawrence Park Account No. CF5255 628954002.

10. (a) That the City of Hamilton enter into a Licence Agreement with Ontario Hydro for the use of the lands described as Part 1, Plan 62R-10869 for a pedestrian walkway between Thorner Park and Limeridge Mall. The annual licence fee is to be charged to Account No. CH56304 62101.
- (b) That the Mayor and City Clerk be authorized to execute a Licence Agreement in a form satisfactory to the City Solicitor.

NOTE: The term of the Licence is ten (10) years commencing 1990 April 01, and continuing thereafter on a year to year basis. The rent is \$400 per year payable in advance on the first day of each and every year during the first five (5) year period, and an amount to be determined by the Licensor before the commencement of any subsequent period. Special terms applying to this Licence are set out as follows:

The Licensee shall not pile snow on any of the Licensor's adjoining lands, nor shall it pile snow on the licensed lands which would result in piles exceeding two (2) metres in height or being closer than eight (8) metres from any of the Licensor's transmission towers. In the event of the Licensee acting in breach of this condition, the Licensor may remove any such pile, the cost of which work shall be charged by the Licensor to the Licensee.

The Licensee, at its own expense, shall be responsible for removal of snow and ice from any public sidewalk abutting the land herein described if required by any municipal by-law.

11. That an Option to Purchase executed by Raymond Charles Sims, Executor and Gary Daniel Sims, Executor of the Estate of the Late Daniel Sims on 1990 June 07 and scheduled for closing on or before 1990 August 29 for the purchase of the property at 109 Graham Avenue North, Hamilton required by the City for the proposed Crown Point East Neighbourhood Park be approved and completed.

NOTE: The subject property is composed of Lot 487, Plan 497, having a frontage of 25 feet (7.62 metres), more or less, along the western limit of Graham Avenue North, having a depth of 100 feet (30.48 metres), more or less, together with all structures erected thereon, said parcel forming Municipal number 109 Graham Avenue North.

Consideration in the amount of \$1 has been paid to the Estate and forms part of the purchase price.

The purchase price of \$111 000 is to be charged to Account No. CF5590 628650001.

12. (a) That the remainder of the funds, appropriated for 1990 King's Forest Winter Sports Park in the total amount of \$42 086.33 be used to dismantle and remove the ski hill equipment; (light fixtures, ski tows, standpipe) and that the compressors be relocated to the Chedoke Winter Sports Park.
- (b) That the bombardier ski dozer #9413 used to groom the ski hills at King's Forest Winter Sports Park be sold or auctioned off to maximize the sale value to the City of Hamilton.
- (c) That in 1991, to accommodate cross country skiing and tobogganing at King's Forest Winter Sports Park, an account be established with a base amount of \$30 420, utilizing funds transferred from Account No. CH51401 62414 - Lift Operations.
- (d) That in 1991 to extend the snow making and grooming operation at the Chedoke Winter Sports Park from 5 days Wednesday through to Sunday, to a 7 day operation, including Monday and Tuesday, the remaining salaries and wages in -

CH 51401 62410 King's Forest - General	\$49 790
CH 51401 62412 King's Forest - Snow Making	\$45 420

be transferred into CH51401 62406 Chedoke Winter Sports Park.

- (e) That in 1991, \$5 800 be transferred from CH56601 62416 - Slope Grooming; to CH56601 62408 - Rental Equipment Internal, and \$7 130 be transferred from CH56601 62412 to winter start up costs for the remaining ski dozer Chedoke Winter Sports Park.

NOTE: For the Information of the Members of City Council, Sections c,d,e, pertain to the 1991 Budget process and are being submitted at this time in order to present a complete package of Winter Sports Activities at both King's Forest and Chedoke Park for the 1990-1991 Season.

13. (a) That the Parks and Recreation Committee endorse the sale of alcoholic beverages by the Greek-Canadian Church, on Church property only and in conjunction with their annual Greek Fest to be held 1990 August 17, 18 and 19.



- (b) That permission be given the organizers to erect a tent on Inch Park for the purpose of cooking and selling food and to provide an area for entertainment and dancing subject to the following terms and conditions:
  - i. That approval be received from Health and Fire Departments for arrangements for the sale of food and refreshments.
  - ii. That proof of \$2 million Public Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
  - iii. That Police Security, satisfactory to the Hamilton-Wentworth Regional Police be provided.
  - iv. That precaution be taken by the organizers to ensure grounds are not damaged and financial restitution be made to the City for any damage that may occur.
  - v. That all City costs over the above the norm, incurred as a result of this event be paid by the applicant.
  - vi. That permission be granted to park 100 vehicles on Inch Park, in an area approved by the Parks Division.
- 14. That approval be given for the Director of Culture and Recreation to amend the policy for swimming program operations to:
  - (a) Permit the use of masks, fins, and snorkels during swimming periods, appropriately posted, at the pool which complies with safety requirements and bather load. This will include instructional periods and designated recreational times.
  - (b) Require children under the age of seven be accompanied by and under the supervision of a responsible person while attending recreational swimming periods.
  - (c) Require children who do not meet the height requirements of six inches above the shallow end depth be accompanied by and under the supervision of a responsible person while attending recreational swimming periods, with the exception of a child over the age of seven who can demonstrate the ability to swim two widths of the pool.
- 15. That approval be given for the Director of Culture and Recreation to amend the policy for golf course operations:
  - (a) To regulate the non-golfers on the course.

- (b) To approve spectator attendance at tournaments.
  - (c) To approve non-players who are recommended as "caddies".
16. (a) That approval be given for a series of 2 (two) bocci ball courts without lighting at each of the following locations; William McCulloch Park, Sam Manson Park, and Rosedale Arena at a cost of \$45 000.
- (b) That approval be given for the courts and fencing to be completed in 1990 with approval for lighting in 1991.
- (c) That the Finance and Administration Committee be requested to recommend the method of financing for these projects.
17. That the Hamilton and District Labour Council be granted permission to sell food and alcoholic beverages on the occasion of their Labour Day Picnic, to be held Monday, 1990 September 03 at Dundurn Park, subject to the following terms and conditions:
- (a) That proof of \$2 million General Liability Insurance for Property Damage and Bodily Injury, naming the City as co-insured be provided.
  - (b) That the applicant assume responsibility for all labour charges associated with the event (set-up, clean-up, etc).
  - (c) That alcoholic beverages be served in the confined area of the pavilion.
  - (d) That the applicant adhere to the regulations stipulated by the Liquor Licence Board in the provision of alcoholic beverages.
  - (e) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
18. (a) That "Mohawk Sports Complex" be the site location for the first playscape structure and that staff proceed with the project for this year.
- (b) The estimated cost of \$60 000 to be financed from the funds available in Bikeways - Playscapes Project - Centre No. CF708743002.



19.
  - (a) That approval be granted to the Hamilton Steeler Soccer Club to utilize the Ivor Wynne Stadium for the purpose of conducting practices, training camps, and exhibition soccer games on a periodic basis and during the pre-season, with the exception of those dates required by the Hamilton Tiger Cat Football Club and that the request for such usage be submitted to the Director of Culture and Recreation by February 01 of the current operating year.
  - (b) That the Hamilton Steeler Soccer Club be granted approval to conduct exhibition games, training camps, and practices in the Brian Timmis Stadium, outside of the regular league schedule and that the request for such usage be submitted to the Director of Culture and Recreation, one month prior to use.
  - (c) That the Hamilton Steeler Soccer Club be granted permission to allocate the operation of the food and soft drink concessions, at Brian Timmis Stadium, to another concession operator, subject to approval by the City.
  - (d) That the City be entitled to 3% of the net profits derived from the sale of food and soft drinks and that the City remain entitled to 10% of the gross from the sale of souvenirs and that the Hamilton Steeler Soccer Club be responsible to pay these concession fees.
  - (e) That, notwithstanding recommendation (c) the Hamilton Steeler Soccer Club remain responsible in the law for the operation of the food and soft drink concessions at Brian Timmis Stadium and, in light of recommendation (c), the Hamilton Steeler Soccer Club acknowledge and agree to indemnify and save harmless the City for any liability arising from the operation of such concessions by the approved operator.
  - (f) That an agreement, satisfactory to the City Solicitor, include the terms and conditions contained herein.
20.
  - (a) That the Hamilton Steeler Soccer Club be granted permission to allow the Hamilton Tiger Cat Football Club to operate the food and soft drink concessions at Brian Timmis Stadium for the calendar year 1990.
  - (b) That permission be granted to the Hamilton Tiger Cat Football Club to utilize city-owned equipment to operate the concessions at Brian Timmis Stadium.
21.
  - (a) That repairs and maintenance to the Inch Park Tennis Courts be approved with a cost not to exceed \$18 000.
  - (b) That the Finance and Administration Committee be requested to recommend the method of financing the project.

22. That in connection with "Garden Parties" being hosted at Whitehern on 1990 July 29 and September 02 visitors be offered a reduced admission rate of \$1 for adults, seniors and students categories.
23. For the Information of the Members of City Council the Parks and Recreation Committee adopted the following recommendation with respect to the 1991 Budget Process. It is being submitted at this time in order to advise City Council of this high priority for 1991:
- (a) That immediate financial priority be given to a list of remedial works, appended hereto as Schedule "A" valued at approximately \$1.7 million, urgently required at Hamilton museums.
  - (b) That a comprehensive restoration and preservation schedule, for all Hamilton museums be drafted, and that such schedule be incorporated into the five year capital works and/or major maintenance budget.
  - (c) That the remedial works listed in item (a) at an estimated cost \$195 957 be given a high priority to be considered in the 1991 Budget Process.
24. That leave be granted to introduce the following Bill:
- Bill C-2      By-law to Authorize Increased Cost for the Replacement of Rink Slab and Boards for the Mountain Arena Project.
- \* 25. That approval be given to create a position of Landscape Architect through the attrition of an existing labourer position in the Department of Public Works.

RESPECTFULLY SUBMITTED,

Lynn Dale,  
Secretary

ALDERMAN T. MURRAY, CHAIRMAN  
PARKS AND RECREATION COMMITTEE

Attach.

1990 June 19

\* *Section 25 added during City Council*

\*\* *Resolution respecting the awarding of a contract to Besco Construction Corporation for twinning the Mountain Arena approved on a recorded vote. See page 2667 for resolution.*



Section 5 amended to read:

- (a) That a purchase order be issued to Guild Electric, Burlington, in the amount of \$54 690 to replace Light Fixtures for poles 1 and 3, Ivor Wynne Stadium, in accordance with specifications issued by the Manager of Purchasing and Vendor's Tender.
- (b) That a contract be entered into satisfactory to the City Solicitor.
- (c) That a purchase order be issued to Northshore Contracting, Ancaster, in the amount of \$28 750 to replace Light Fixtures for pole 2 at Ivor Wynne Stadium, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest acceptable of nine (9) tenders received. Funds provided in Ivor Wynne Stadium, Renovations and Repairs Account No. CH56398 62910.

## SCHEDULE "A"

OF THE TWELFTH REPORT OF  
THE PARKS AND RECREATION  
COMMITTEE

## STABILIZATION AND PRESERVATION PRIORITIES, DUNDURN AND WHITEHERN

THE FOLLOWING LIST IS AN INVENTORY OF WORK NECESSARY TO STABILIZE THE BUILDINGS OF DUNDURN CASTLE AND WHITEHERN, AND TO PREVENT FURTHER DAMAGE TO THEIR STRUCTURE. ITEMS HAVE BEEN LISTED IN DESCENDING ORDER OF URGENCY. NOTES AND COSTS ARE TAKEN FROM THE BUILDING CONSERVATION STUDIES UNDERTAKEN BY QUADRANGLE ARCHITECTS. FOR MORE INFORMATION PLEASE REFER TO THE CO-RESPONDING NUMBERS IN THE TEXT OF THE BUILDING STUDIES.

PRIORITY	SITE	NOTES	ESTIMATED COST
1.	W	Repairs to front porch foundation, repairs to failed elements of porch roof. (items .12, .13 in study)	6,000.
2.	DC	Stabilization of Cockpit, excavation, foundations, roof systems, heating & dehumidifying, framing, windows, trim, ventilator. (.46,.47,.50,.51,.52,.53,.54,.55,.57,.58,.59,.60)	114,500.
3.	DC	Stabilization and repairs to foundations- general, worst-case estimate. (.15,.16,.17,.18,.19)	272,500.
4.	W	Stabilization of Stables, foundation and wall work, repairs to framing and windows, underpinning foundations. (.16,.17,.18,.19,.20,.26,.29)	119,500.
5.	DC	General repairs to windows, sash, etc., Castle and Stables (.20,.25,.31)	24,000.
6.	DC	Stables, improve rainwater leaders. (.65)	500.
7.	DC	Repair and repaint columns, porches (.10)	6,500.
8.	DC	Interior foundation work. (.33,.34,.35,.36)	7,300.
9.	W	Instal vented chimney caps. (.1,.5)	1,800.

			..2
10.	W	Replace slate roof on addition. (.6)	49,000.
11.	W	Replace stable roof with slate. (.7)	27,000.
12.	W	Repairs to house foundations and masonry. (.9,.10,.11)	80,000.
13.	DC	Repairs to exterior stucco and painting, remove modern intrusions, Castle and Stables (.9,.11,.14,.22,.32,.70)	65,800.
14.	W	Reputty & seal doors, windows. Prepare & paint trim. (.21,.22,.23,)	7,000.
15.	W	Solve damp problem in china storage. Remove trees near foundation. (.31,.38)	6,600.
16.	W	Garden wall stabilization & repair. Redirect sprinkler heads. (.36,.37,.40)	25,100.
17.	DC	Adjust grade around Castle and Stables, replace asphalt. (.43,.44,.45,.67)	60,000.
18.	DC	Repairs to Stables exterior- repointing, trim, windows. (.61,.62,.66,.69,.70)	19,100.
19.	W	Repairs to main roof detailing. (.2,.3,.4)	5,700.
20.	DC	Restoration of Cockpit, porticos and interior. (.48,.49,.56)	90,000.
21.	DC	Repairs to Stables west facade, rebuild ventilator, improvements to staff area. (.63,.64,.68,.71)	35,000.
22.	DC	Dovecote re-restoration. (.72,.73,.74,.75, .76,.77,.78)	49,500.



..3

23.           W     Cleaning building exterior.  
                  (.8)                                 16,250.

ELEMENTAL TOTAL                                 \$1,088,650.

CONTRACTOR OVERHEAD & PROFIT                         217,730.

CONTINGENCY   108,865.

SOFT COSTS   195,957.

ARCHAEOLOGY   45,000.

TOTAL PROJECTED BUDGET COST                         \$1,656,202.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its TWELFTH Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue a demolition permit for the following property:  
  
116 Chesley Street
2. That a repayable loan under the Commercial Facade Loan Programme, in the amount of thirty-eight thousand, three hundred and one dollars (\$38,301.) be approved for 207-209 King Street East, Moo Ung Kim. The interest rate will be 7-3/8 percent, amortized over 10 years.
3. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, nine hundred and eighty-five (\$2,985.) be approved for Mrs. Keltie Law, 112 Aberdeen Avenue, Hamilton. The interest rate will be six percent, amortized over 10 years; and,  
  
(b) That a Designated Property grant in the amount of two thousand, nine hundred and eighty-five dollars (\$2,985.) be provided to Mrs. Keltie, 112 Aberdeen Avenue, Hamilton.
4. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars (\$50,000.) be approved for Mr. D. Warrener, The Custom House, 51 Stuart Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,  
  
(b) That a Designated Property Grant in the amount of three thousand dollars (\$3,000.) be provided to Mr. D. Warrener at The Custom House, 51 Stuart Street, Hamilton.
5. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars (\$50,000.) be approved for James Street Baptist Church, 98 James Street South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,  
  
(b) That a Designated Property Grant in the amount of three thousand (\$3,000.) be provided to James Street Baptist Church, 98 James Street South, Hamilton.

6. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifteen thousand dollars (\$15,000.) be approved for Mrs. Roshan Dharsee, 27 Bold Street, Hamilton. The interest rate will be six percent, amortized over 10 years; and,  
  
(b) That a Designated Property Grant in the amount of three thousand (\$3,000.) be provided to Mrs. Roshan Dharsee, 27 Bold Street, Hamilton.
7. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of fifty thousand dollars (\$50,000.) be approved for St. Paul's Church, 64 James Street South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,  
  
(b) That a Designated Property Grant in the amount of three thousand (\$3,000.) be provided to St. Paul's Church, 64 James Street South, Hamilton.
8. That a purchase order be issued to National Time Equipment Co. Ltd., Toronto, in the amount of \$16,500. to supply and supervise the installation of a Decorative Street Clock, Westdale Village B.I.A. (south-east corner of King and Paisley Streets), Commercial Improvement Program, in accordance with specifications issued by the Manager of Purchasing and Vendor's proposal.  
  
NOTE: Lowest acceptable of four (4) proposals received. Funds provided in Commercial Improvement Programme Account #CF5200 428705002.
9. (a) That approval be given to the "Intent to Designate" the Twentieth Century Club building at 172-176 Locke Street South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked Appendix "A".  
  
(b) That the City Solicitor be authorized and directed to take the appropriate action to have this property designated pursuant to the provision of the Ontario Heritage Act, 1983.
10. (a) That approval be given by by-law for the City of Hamilton to enter into a Heritage Easement Agreement with the James Street Baptist Church under Part IV, Section 37 of the Ontario Heritage Act; and,  
  
(b) That the City Solicitor be authorized and directed to take the appropriate action to have this Heritage Easement implemented, pursuant to the provisions of the Ontario Heritage Act, 1983.



11. (a) That approval be given to the "Intent to Designate" 108-112 James Street North, Tivoli Theatre, as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "B"; and,  
  
(b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.
12. (a) That the City of Hamilton request Regional Council to direct staff from the Regional Planning and Development Department to investigate the implications of the Hamilton-Wentworth Region petitioning the Royal Commission on the Future of the Toronto Waterfront extending their area of study to include the Hamilton-Wentworth Waterfront;  
  
(b) That Regional Staff consult with C.A.P.I.C., Conservation Authority, Royal Botanical Gardens and other applicable agencies involved with Waterfront matters in their investigation; and,  
  
(c) That Regional Staff present their report on the implications involved in such a petition to the Regional Economic Development Committee for that Committee to determine if a request for inclusion in the Waterfront Study should be made by the Hamilton-Wentworth Region.
13. (a) That in accordance with the Cash-in-Lieu of Parking Policy, that the Helm Group be required to pay to the City of Hamilton the sum of \$50,000., which is 50% of the cost of providing ten parking spaces; and,  
  
(b) That the City Solicitor be directed to prepare the Cash-in-Lieu of Parking Agreement as required.
14. (a) That approval be given to Subdivision Application 25T-90004, "Edan Heights", 603976 Ontario Limited, owner, to establish a draft plan of subdivision on lands west of Upper Sherman Road and south of Beaverton Drive, subject to the following conditions:
  - (i) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1990 January 22, showing 68 lots, 5 blocks for development with adjacent lands, one block for a 0.3 m reserve and the easements required for small lots.
  - (ii) That the street be dedicated to the City of Hamilton as public highway on the final plan.

- (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  - (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.
  - (v) That the owner convey 5% of the land included in the plan to the City of Hamilton for park purposes pursuant to The Planning Act.
  - (vi) That such easements as are required for utility and drainage purposes be granted to the appropriate authority.
  - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  - (viii) That any dead-ends or open sides of the road allowances created by the plan be terminated in 0.3m reserves (Block "74") to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.
  - (ix) That Blocks "64" to "73" inclusive be developed only in conjunction with abutting lands.
  - (x) That a 2.0 m X 2.0 m daylight triangle is established at the north-east corner of Lot 25.
  - (xi) That prior to the final plan, sewers and watermains have been extended to service this development.
  - (xii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  - (xiii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90004), 603976 Ontario Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the Butler Neighbourhood plan be changed accordingly.

15. That approval be given to Zoning Application 90-07, 603976 Ontario Ltd. (J. Rubino and D. Valentini), owners, requesting a change in zoning from "AA" (Agricultural) District modified to "R-4" (Small Lot Single-Family Detached) District, to permit development of the subject lands for small lot single-family detached homes, for lands at the rear of 1448-1500 Upper Sherman Avenue, fronting onto Acadia Drive, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That the lands be rezoned from "AA" (Agricultural) District modified to "R-4" (Small Lot Single-Family Detached) District;
  - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27C and for E-28D presentation to City Council;
  - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District modified to "R-4" (Small Lot Single-Family Detached) District, for property at the rear of 1448-1500 Upper Sherman Avenue.

The effect of the By-law is to permit small lot single-family detached development on the subject lands.

16. That approval be given to Zoning Application 90-37, Select Site Properties Limited, owner, for a change in zoning from "JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "1"), and from "KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "2"), for the rear part of property located at 315 Centennial Parkway North as shown on the attached map marked as Appendix "D", to establish uniform zoning on the property and permit, in addition to the existing gas bar use, a retail strip plaza, on the following basis:
- (a) That the lands described as Block "1" be rezoned from "JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District;
  - (b) That the lands described as Block "2" be rezoned from "KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District;



- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council;
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for changes in zoning from "JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "1"), and from "KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District (Block "2"), for property at the rear of 315 Centennial Parkway North.

The effect of the By-law is to establish uniform zoning on the property and permit, in addition to the existing gas bar use, a retail-strip plaza.

17. (A) That amended Zoning Application 89-111, Yaser Sharif, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, to permit a day nursery for up to ninety-five children, for part of property municipally known as 991 Upper Paradise Road, shown as Block "2" on the attached map marked as Appendix "E", be DENIED for the following reasons:
- (a) It is an overintensification of land use, in that the requested capacity of the day nursery (ninety-five children) is approximately four times that which is permitted under the existing and future proposed land use controls respecting day nurseries in the "C" (Urban Protected Residential, etc.) District (i.e. twenty-five children);
  - (b) The requested size (ninety-five children) of the proposed day nursery would be incompatible with the surrounding land use; and,
  - (c) The Ministry of Community and Social Services has advised that this area of the West Mountain is currently well served by day nurseries.
- (B) That approval be given to amended Zoning Application 89-111, Yaser Sharif, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified, for part of property municipally known as 991 Upper Paradise Road, shown as Block "2" on the attached map marked as Appendix "E", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "2" be modified to include the following variance as a special requirement:
  - (i) That notwithstanding the provisions of Section 9 (1) (iii) of By-Law No. 6593, a day nursery for the accommodation of a maximum of seventy-five children shall be permitted.
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-27C and W-27D for presentation to City Council;
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1183, and that the subject lands on Zoning District maps W-27C and W-27D be notated S-1183; and,
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (f) That Schedule "B" to By-law No. 79-275, as amended by By-law No. 87-223, respecting Site Plan Control, be further amended by adding the lands described as Block "2" on Appendix "E", and that Site Plan Control shall apply only to a day nursery.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for part of property municipally known as 991 Upper Paradise Road, shown as Block "2".

The effect of the By-law is to permit development of Block "2" for a day nursery for up to seventy-five children.

18. That approval be given to Zoning Application 90-33, R. McDowell, R. Lewczuk, and P. Serrani, owners, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for Block "2", to permit townhouse development for property located at 1606 Upper Gage Avenue, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;

- (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;
- (c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of By-law No. 6593, applicable to Blocks "1" and "2", be further modified to include the following variances as special provisions:
  - (i) That a minimum 3.0 m wide planting strip shall be provided and maintained along the northerly and westerly lot lines;
  - (ii) That a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the northerly and westerly lot lines;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1184, and that the subject lands on Zoning District Map E-38D be notated S-1184;
- (f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District modified for Block "1" and a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified for Block "2", for property located at 1606 Upper Gage Avenue.

The effect of the By-law is to permit future development of the subject properties for townhouses or maisonettes. In addition, the By-law provides the following variances as a special requirement:

- (a) A minimum 3.0 m (10 foot) wide planting strip shall be provided and maintained along the northerly and westerly lot lines; and,
- (b) A 1.2 m (4 foot) to 2.0 m (6.6 foot) high visual barrier shall be provided and maintained along the northerly and westerly lot lines.



19. That Zoning Application 90-26, Dr. Roy Smith, Riddrie Developments Inc., owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District, for property located at the rear of 1502 Main Street East, as shown on the attached map marked as Appendix "G", be DENIED for the following reasons:
- (a) It conflicts with the intent of the Official Plan which designates the lands for "Residential" use.
  - (b) It would provide for an undesirable extension of a commercial use into an established residential area.
  - (c) It would be incompatible and out of character with established residential development in the surrounding area.
  - (d) Approval of the application may encourage other similar applications which, if approved, could alter the character of the established residential area.
20. That Zoning Application 90-29, 687469 Ontario Incorporated, (Roy Yates), owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District, to permit a body shop addition to the established automobile dealership, for property located at 1024 Upper Wentworth Street, as shown on the attached map marked as Appendix "H" be DENIED for the following reason:
- (a) The proposed auto body fender repair and paint shop addition to the established automobile dealership represents an undesirable use which would have adverse impacts on the adjoining established residential development.
21. (a) That approval be given to Official Plan Amendment No. 92 to establish a Special Policy Area to permit a limited number of commercial uses, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to amended Zoning Application 90-22, Taba Developments Ltd. (J. Frisch, A. Ishaky, and S. Mukamal), owners, requesting a modification to the established "M-12" (Prestige Industrial) District regulations to permit a mall containing limited commercial uses, a community medical centre, and limited office uses, for property located on the east side of Upper Ottawa Street in the area south of Stone Church Road East, as shown on the attached map marked as Appendix "I", on the following basis:

- (i) That the "M-12" (Prestige Industrial) District regulations, as contained in Section 17D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

- (1.) That notwithstanding Section 17D(1) of Zoning By-law 6593, the following Institutional use shall be permitted:

<u>S.I.C. Identification Number</u>	<u>Permitted Use</u>
8635	Public Health Clinics/Community Medical Centres

- (2.) That notwithstanding Section 17D(1)(b) of Zoning By-law No. 6593, the following Commercial uses shall be permitted:

<u>S.I.C. Identification Number</u>	<u>Permitted Use</u>
6213	Furniture Refinishing and Repair Shops
6223	Appliance, Television, Radio and Stereo Repair Shops
6231	Floor Covering Stores
6232	Drapery Stores
6532	Paint, Glass and Wallpaper Stores
7611	Insurance and Real Estate Agencies
7731	Offices of Chartered and Certified Accountant
7739	Other Accounting and Bookkeeping Services
7761	Offices of Lawyers and Notaries
7771	Management Consulting Services

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1182, and that the subject lands on Zoning District Maps E-59C and E-59D be notated S-1182;
  - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-59C and E-59D for presentation to City Council;
  - (iv) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 92 by the Regional Municipality of Hamilton-Wentworth; and,
  - (v) That the approved Mountain Industrial Area Plan be amended by redesignating the subject lands from Restricted Industrial to Restricted Commercial.
- (c) That the amending By-law not be forwarded for passage by City Council until such time as:
- (i) The applicant/owner receive approach approvals for entrances on Stone Church Road East and Upper Ottawa Street to the satisfaction of the Commissioner of Regional Engineering.
  - (ii) The access grades for driveways to Upper Ottawa Street have been resolved to the satisfaction of the Commissioner of Regional Engineering;
  - (iii) Proof has been submitted, to the satisfaction of the Director of Local Planning, of a written agreement between Taba Developments and Dicon Properties (Hamilton) Ltd. Partnership requiring:
    - (1.) The unregistered covenant and agreement of Taba that it will not lease the subject property or any part thereof, or permit such to be occupied by a tenant, for the four uses listed above as Numbers 7611, 7731, 7739 and 7761 (the "Office Uses"), at any time on or before June 5, 1993, provided that it may sell commercial condominium units to persons who, as owners of such units, will personally occupy the units for the Office Uses;
    - (2.) The registration forthwith after such written agreement has been entered into of a restrictive covenant on title to the subject property preventing any part of the property from being leased or occupied by a tenant for the Office Uses at any time on or before June 5, 1993;



- (3.) That Taba provide written notification to any purchasers of the condominium units of the restriction specified in subparagraph iii(2.) and (4.); and
  - (4.) That the condominium declaration, when registered, include a prohibition in accordance with subparagraph 3(3)(c) of the Condominium Act against the leasing of any of the condominium units on the subject property, or the occupation of same by tenants, for the Office Uses at any time on or before June 5, 1993.
- (d) That, in accordance with Section 34(16) of the Planning Act, no further public meeting be held.

NOTE: The purpose of the By-law is to provide for a modification to the established "M-12" (Prestige Industrial) District regulations for property located on the east side of Upper Ottawa Street in the area south of Stone Church Road East.

The effect of the By-law is to permit, in addition to the uses allowed under the "M-12" (Prestige Industrial) District, the following uses:

- (a) furniture refinishing and repair shops;
- (b) appliance, television, radio and stereo repair shops;
- (c) floor covering stores;
- (d) drapery stores;
- (e) paint, glass and wallpaper stores;
- (f) insurance and real estate agencies;
- (g) chartered and certified accountant's offices;
- (h) other accounting offices;
- (i) offices of lawyers and notaries;
- (j) management consulting services; and,
- (k) community medical centres/public health clinics.

22. That approval be given to Proposed Draft Plan of Condominium Application 25CDM-90002, "Regal Castle Condominium", Regal Castle Development Inc., owner, to establish a draft plan of condominium located at the south side of Limeridge Road East, west of Upper Wentworth Street and north of the future Mountain Freeway, subject to the following conditions:

- (a) That this approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1990 January 22, showing 44 units.
- (b) That the owner comply with the Development Standards to Control the Effects of Freeway Noise as adopted by Council on 1973, October 9 and subsequent amendments, and that a 15.24m easement be established on lands immediately adjoining the Freeway for the purpose of constructing a landscaped noise barrier.

(c) That the owner satisfy the financial requirements of the Regional Municipality of Hamilton-Wentworth.

23. That approval be given to Proposed Draft Plan of Condominium Application 25CDM-90001, "Stone Church Industrial Park", Stone Church Condominium Development Inc., owner, to establish a draft plan of condominium located at the south side of Stone Church Road and west of Pritchard Road, subject to the following conditions:

(a) That this approval apply to the plan prepared by J. D. Barnes Limited, dated 1989 December 13.

(b) That the owner satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

24. That the Regional Municipality of Hamilton-Wentworth be requested to grant a two year extension to the draft approval for "Ridgeview Estates" subdivision (Regional File No. 25T-76046).

NOTE: The request for a further extension of a 2 year period has been made on the basis that "the current market conditions do not present favourable development".

Two phases of the development have been registered and the final plans for Phase 3 have been prepared for inclusion in the Subdivision Agreement. A fourth phase, which will complete the development, will be processed subsequent to registration of Phase 3.

25. That in regard to Site Plan Control Application DA-89-98 by Ernie and Joyce Monkley, owners of lands known as 81 Dartnall Road for an extension and alteration to an existing trailer assembly facility, that the following be approved:

(a) That the plans and drawings of the Site Plan Control Application DA-84-20 registered on title on 1985 February 13, as Instrument No. 305176 C.D., be amended by the plans and drawings of Site Plan Application DA-89-98

NOTE: Since the previous plans and drawings under Site Plan Control Application DA-84-20 are registered on title as Instrument No. 305176 C.C, it is necessary to amend this agreement with the plans and drawings approved under Site Plan Control Application DA-89-98.

26. That the Chairman of the Planning and Development Committee, or his designate, be authorized to attend the Association for Preservation Technology Conference to be held 1990 September 5-8, in Montreal.

27. That leave be granted to introduce the following Bills:

- (a) Bill D-68 A By-law to amend Zoning By-law No. 6593 respecting lands located north of Rymal Road East, between Upper Sherman Avenue and Upper Wentworth Street.
- (b) Bill D-69 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 70 and 80 Lancing Drive.
- (c) Bill D-70 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 1574 Upper Gage Avenue.
- (d) Bill D-71 A By-law to amend Zoning By-law No. 6593 respecting land located at the rear of Municipal No. 1490 Upper Gage Avenue.
- (e) Bill D-72 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 1610, 1614, 1620 and 1626 Upper Gage Avenue.
- (f) Bill D-73 A By-law to amend Zoning By-law No. 6593 respecting lands located east of Upper Wellington Street, south of the proposed Mountain Freeway.
- (g) Bill D-74 A By-law to amend Zoning By-law No. 6593 respecting lands located east of Upper Wellington Street, south of the proposed Mountain Freeway.
- (h) Bill D-75 A By-law to amend Zoning By-law No. 6593 respecting lands located east of Upper Wellington Street, south of the proposed Mountain Freeway.
- (i) Bill D-76 A By-law to adopt Official Plan Amendment No. 91 respecting a portion of the lands known municipally as 1441 Upper James Street, within the Ryckmans Neighbourhood.
- (j) Bill D-77 A By-law to establish Site Plan Control respecting lands located west of Nash Road, north of the C.N.R.
- (k) Bill D-78 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 89-320 respecting land located at Municipal No. 41 Rymal Road West.
- (l) Bill D-79 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 81-187 respecting land located at Municipal No. 1035 Main Street East.



- (m) Bill D-80 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 81-187 respecting land located at Municipal No. 1039 Main Street East.
- (n) Bill D-81 A By-law to amend Zoning By-law No. 6593 respecting lands located at the rear of Municipal Nos. 564, 570, 574, 580, 586, 590 and 596 Stone Church Road East.
- (o) Bill D-82 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 63 and 67 Malton Drive.
- (p) Bill D-83 A By-law to amend Zoning By-law No. 6593 respecting land located east and adjacent to Municipal No. 1686 Main Street West.
- (q) Bill D-84 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 88-241 respecting lands located at the north-west corner of Rymal Road East and Upper Wentworth Street.
- (r) Bill D-85 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 66-139 respecting land located at Municipal No. 142 Stone Church Road West.
- (s) Bill D-86 A By-law to amend Zoning By-law No. 6593 and Zoning By-laws No. 86-204 and 86-230 respecting lands located at Municipal Nos. 2774-2794 King Street East.
- (t) Bill D-87 A By-law to amend Building Code By-law No. 85-86 and The Property Standards By-law No. 74-74 respecting Fees.
- (u) Bill D-88 A By-law to designate an Improvement Area generally comprised of lands on the east and west sides of Main Street West between Locke Street on the west and Queen Street on the east.

Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1990 June 20

## REASONS FOR DESIGNATION

### TWENTIETH CENTURY CLUB BUILDING

172-176 Locke Street South

#### Context

Built in 1905-6 to serve primarily as the headquarters of the Twentieth Century Club, this distinctive two-storey brick building now forms part of a row of low-rise commercial buildings on the west side of Locke Street South between the railway bridge at Hunter Street and Herkimer Street. One of the earliest retail districts outside the downtown area, Locke Street South evolved after the turn-of-the-century into a thriving and largely self-contained shopping area for the surrounding residential neighbourhood, then the city's west end. It also became a focus of social activity, with several churches, a movie theatre (the Regent), a billiard hall and the Twentieth Century Club.

#### Historical Importance

Founded in 1901 as a combined political, social and recreational club for young male members of the Conservative Party, the Twentieth Century Club was reputedly the first of its kind in Hamilton. The club was located in temporary quarters on Locke Street South before erecting a permanent facility on land purchased in 1905. Owned by the Twentieth Century Club until 1947, the building at 172-176 Locke Street South continued to house the club for two more years, when it appears to have closed. In the course of its half century history, this successful club counted among its members such prominent citizens as Charles H. Peebles, clerk of the division court, who was one of its organizers and secretary-treasurer for twenty-two years, and Henry New, head of the Hamilton Pressed Brick Co., and one of the club's first presidents.

The club's assembly hall was located on the second floor of the building, with the ground floor being divided into a front section comprising two stores and a rear section, which was originally part of the club facility but was later converted to two apartments. Of the various types of businesses accommodated over the years, two are noteworthy for their longevity: the fruit market at #174 from 1918 to the late sixties and the drug store at #176 from 1907 to the late fifties.

#### Architectural Importance

Designed by F.J. Rastrick & Sons, the Twentieth Century Club is one of few known surviving buildings designed by the two sons of the noted Hamilton architect, Frederick J. Rastrick: Edward Llewellyn and Francis Reginald, who were in partnership together from 1898 until 1931. Characteristic in style of the smaller scale late Victorian commercial blocks erected in the city during the early 1900s, the Twentieth Century Club building is one of the best examples on Locke Street South. Of particular interest is the design of the three-bay upper facade, articulated by brick pilasters terminating in paired brackets which support an ornamental bracketed cornice. Above is a brick parapet and arched pediment displaying the club name and date of construction, which used to be

Appendix "A" as referred to  
in Section 9 of the TWELFTH  
Report for 1990 of the  
Planning & Development  
Committee.

crowned by six sheet metal finials and other ornaments. Also noteworthy is the window treatment: a tall central window set into a round-arched stone frame, which is flanked by slightly bowed tripartite windows with stone frames. Apart from the recent loss of the sheet-metal ornamentation and the modernization of the club entrance, the original facade has been preserved largely intact, with only minor alterations to the two store fronts.

#### Designated Features

Important to the preservation of 172-176 Locke Street South are the original features of the main (east) and south facades, including the original windows, the stone trim, the sheet-metal cornice and the brick parapet.





**TWENTIETH CENTURY CLUB BUILDING**

**172-176 Locke Street South**

**May 1990**



**LOCKE STREET SOUTH**

May 1990



View of west side of street showing the Twentieth Century Club building and a similar commercial block at 180-182 Locke Street South.



180-182 Locke Street South



## REASONS FOR DESIGNATION

### Tivoli Theatre, 108 -112 James Street North

Built in 1875 as a carriage factory for J.P. Pronguey, the building at 108-112 James Street North has served primarily as a theatre since 1908. In 1924, the building was substantially enlarged by an auditorium added to the rear to accomodate the Tivoli Theatre, the name by which the building has since been known.

#### Context

With its architecturally impressive facade, dominant corner tower, and high visibility, the Tivoli Theatre is a major contributing component of the James North heritage streetscape. It also provides a dramatic visual terminus to the block extending from Cannon to Wilson Street. The adjacent site at the north-east corner of James and Wilson was, for many years, occupied by the Grand Opera House and Hotel, erected in 1880 and demolished respectively in 1960 and 1986.

#### Historical Significance

In the course of its history, the building at 108-112 James Street North has served many different uses: a carriage works (until 1901), a bowling alley on the second floor (1908-64), various restaurants and retail businesses at street level; and of particular significance, a succession of theatres: the Wonderland (1908), the Colonial (1909-12), and the Princess (1913-23), all located in the space which became the lobby of the Tivoli Theatre, and finally, the Tivoli itself.

The Tivoli has an important place in Hamilton's theatre history. The Wonderland was reputedly the City's first film theatre while the Tivoli, a vaudeville theatre and motion picture house, was the first theatre to introduce sound movies in the late 1920s. Of the numerous theatres built in Hamilton during the early 20th century, the Tivoli counted among the seven largest and grandest, the most resplendent of which were the Capitol and the Palace. All but the Lyric (now the Century) and the Tivoli have been demolished; and of these two only the Tivoli Theatre has retained any part of its original interior decor.

#### Architectural Significance

##### Exterior

Clearly intended to make a bold statement of Pronguey's entrepreneurial ambitions, the original carriage factory was designed by Hamilton architect Albert H. Hills in the popular Second Empire style. Characteristic of this style are the steeply-pitched mansard roof with dormers, the bracketted cornices, and rich classical detailing. Noteworthy features of the Tivoli facade include the round-arched windows with two-over-two sash windows and ornate moulded surrounds, the gabled dormer windows, and the tall mansard-roofed tower. This convex-shaped tower displays narrow, paired

Appendix "B" as referred to  
in Section 11 of the TWELFTH  
Report for 1990 of the  
Planning & Development  
Committee.



arched dormers surmounted by circular windows and a bracketted cornice, originally crowned by ornamental iron cresting.

The later Tivoli Theatre entrance originally featured an octagonal ticket office and an ornamental sign marquee, above which was a vertical "Tivoli" sign projecting at right angles to the street. Only the basic structure of the marquee, however, survived the major alterations made to the entrance in 1954.

#### Interior

The Tivoli Theatre was greatly admired for its sumptuously decorated "Italian Renaissance" interior, designed by Toronto architect B. Kingston Hall. While a significant proportion of the original decor was removed or covered in the course of renovations undertaken in 1943, 1947 and 1954 (when the most extensive remodelling occurred), the main architectural features of the auditorium are still largely intact. These include the proscenium, the ceiling with its elliptical design, the decorative cornice and frieze below, and along each side wall: a colonnade comprising five round arches sprung from coupled pilasters. The two arches on either side of the stage still contain the original bronze statues of Caesar Augustus and the goddess Minerva. At the base of each of the other eight arches are medallions depicting the four seasons.

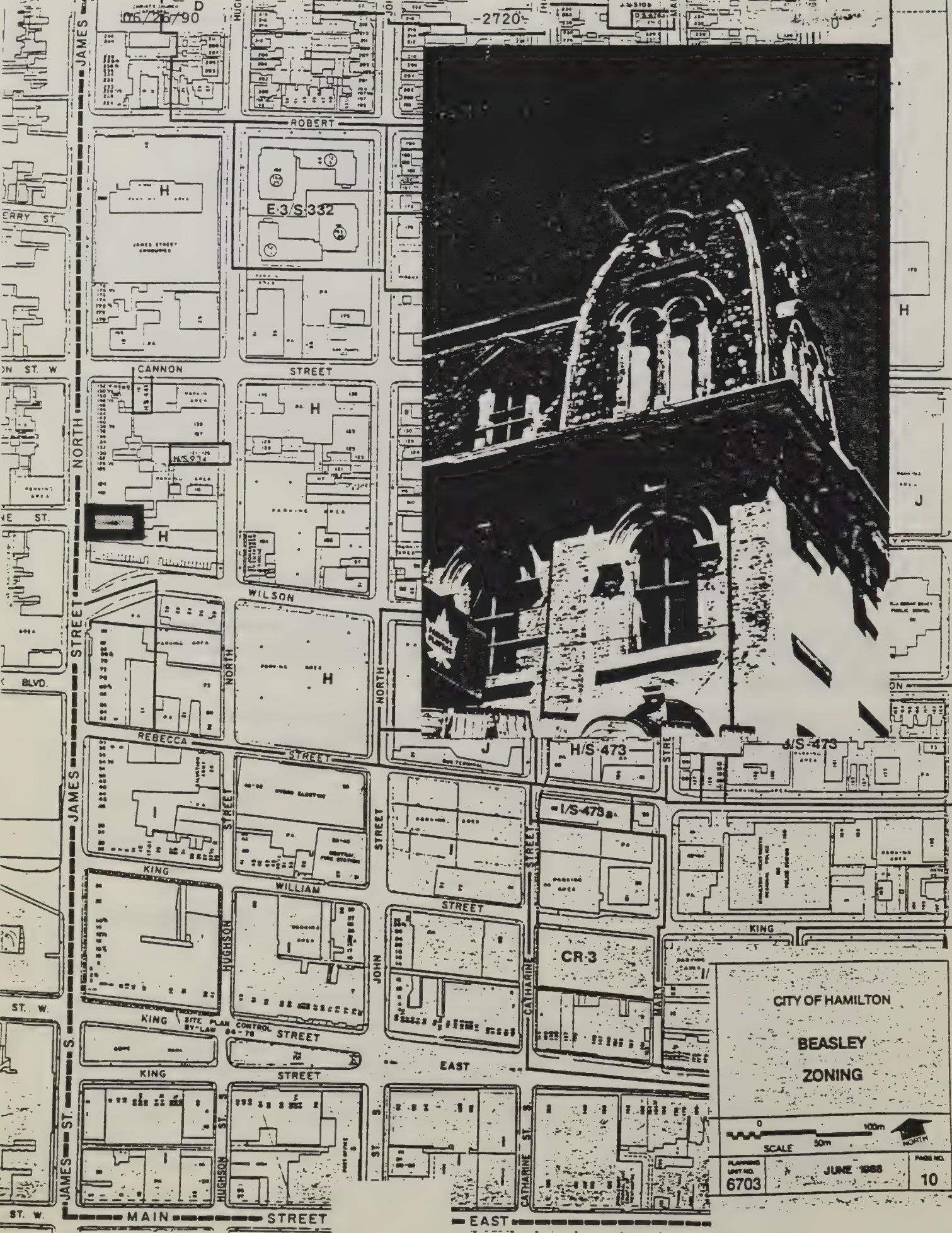
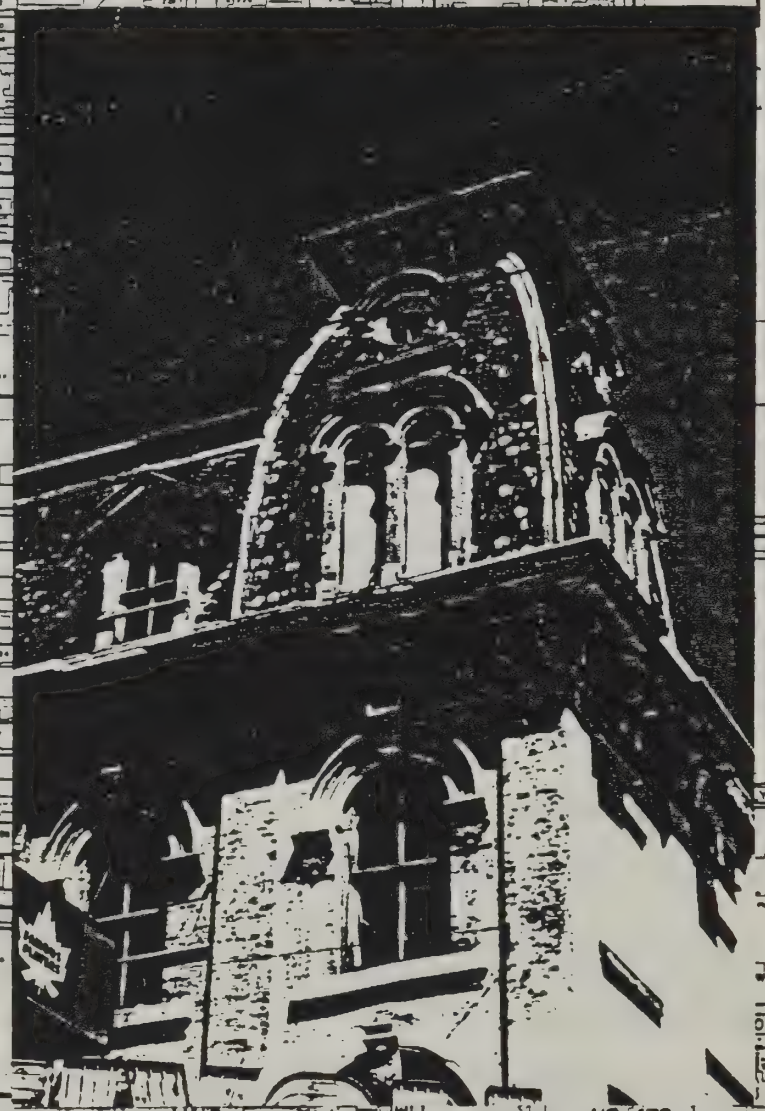
#### Designated Features

Important to the preservation of the Tivoli Theatre are:

1. the original architectural features of the front (west) and side (south) facades, including the upper-storey arched windows, moulded surrounds, bracketted cornice, and slate-covered mansard roof with its dormers and corner tower.
2. the original architectural features of the lobby and auditorium, including the ceilings, proscenium, colonnades, statuary, and other decorative wall elements. Excluded from designation are the more recent additions, such as the floor covering, seating and stage curtain.

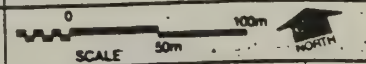
06/26/90

-2720-



CITY OF HAMILTON

BEASLEY  
ZONING



PLANNING UNIT NO. 6703	JUNE 1988	PAGE NO. 10
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Tivoli Theatre, 108 -112 James Street North

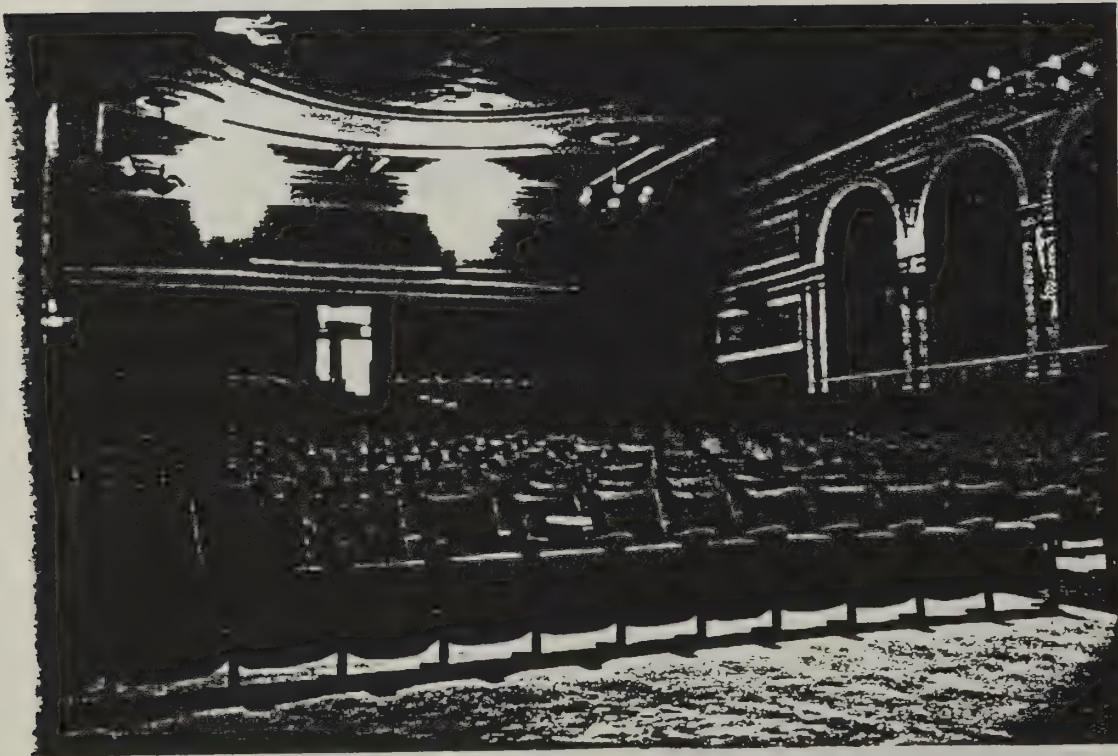
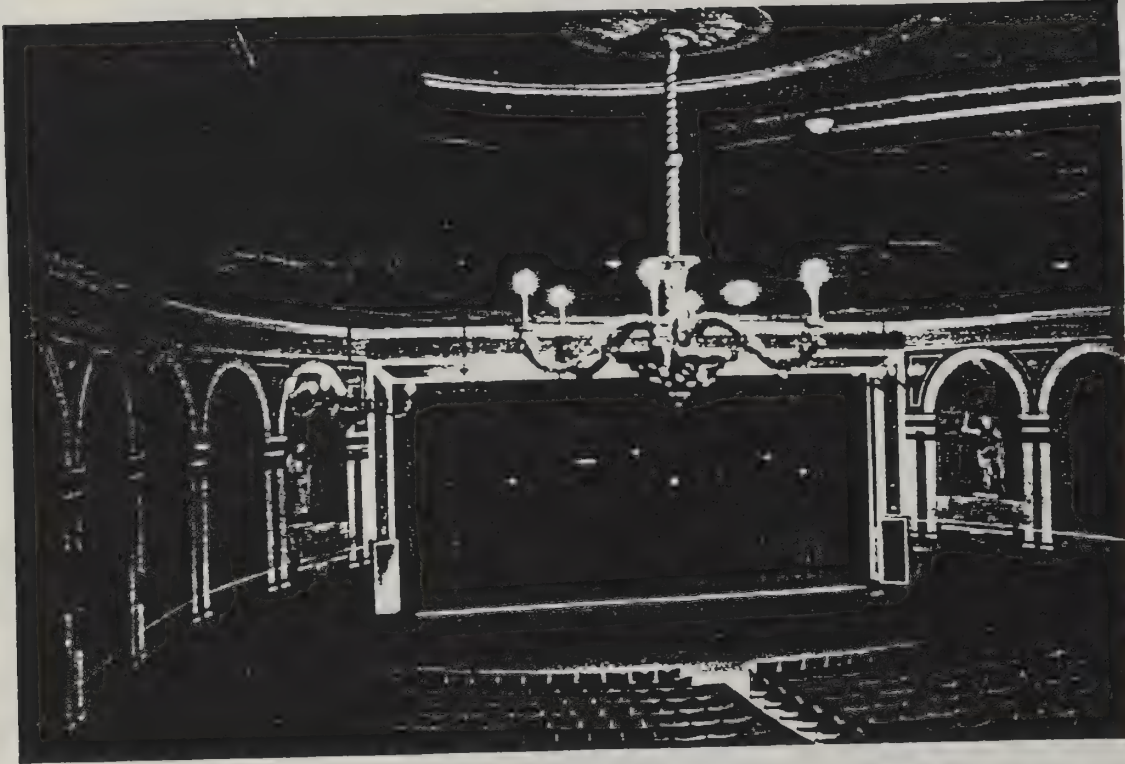
June 1990





Tivoli Theatre, 108 -112 James Street North

May 1988



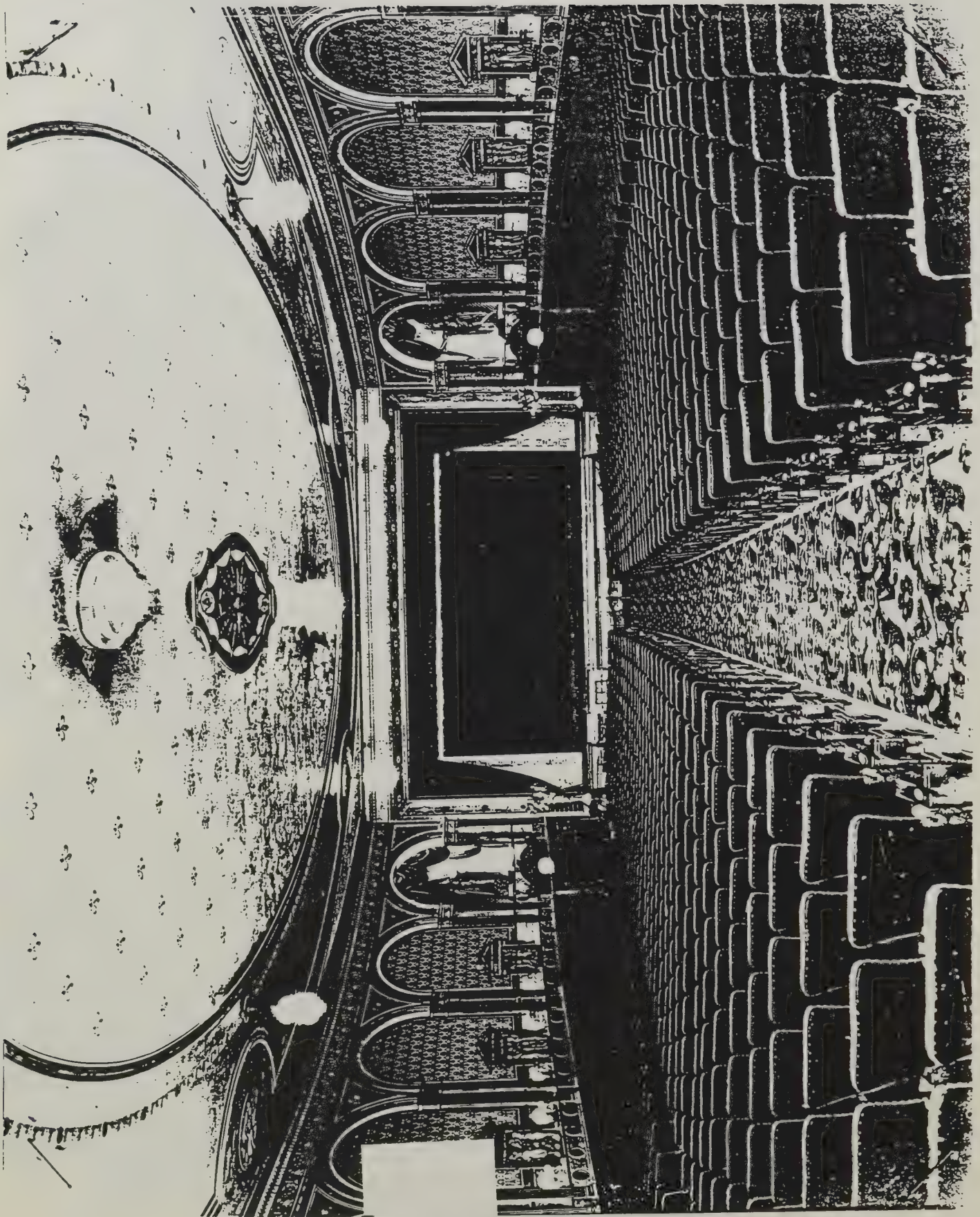




Tivoli Theatre, 108 -112 James Street North

September 1930





Tivoli Theatre, 108 -112 James Street North

September 1930



06/26/80

G-1/S-1086

AA

HOLLAND AVENUE

AA

R-4

BEAVERTON DRIVE

R-4-H/S-1028

BOYLER DRIVE

ACADIA DRIVE

AA/S-684

AA

DULGAREN ST.

AA

Appendix "C" as referred to  
in Section 15 of the TWELFTH  
Report for 1990 of the  
Planning & Development  
Committee.

LEGEND



SITE OF THE APPLICATION

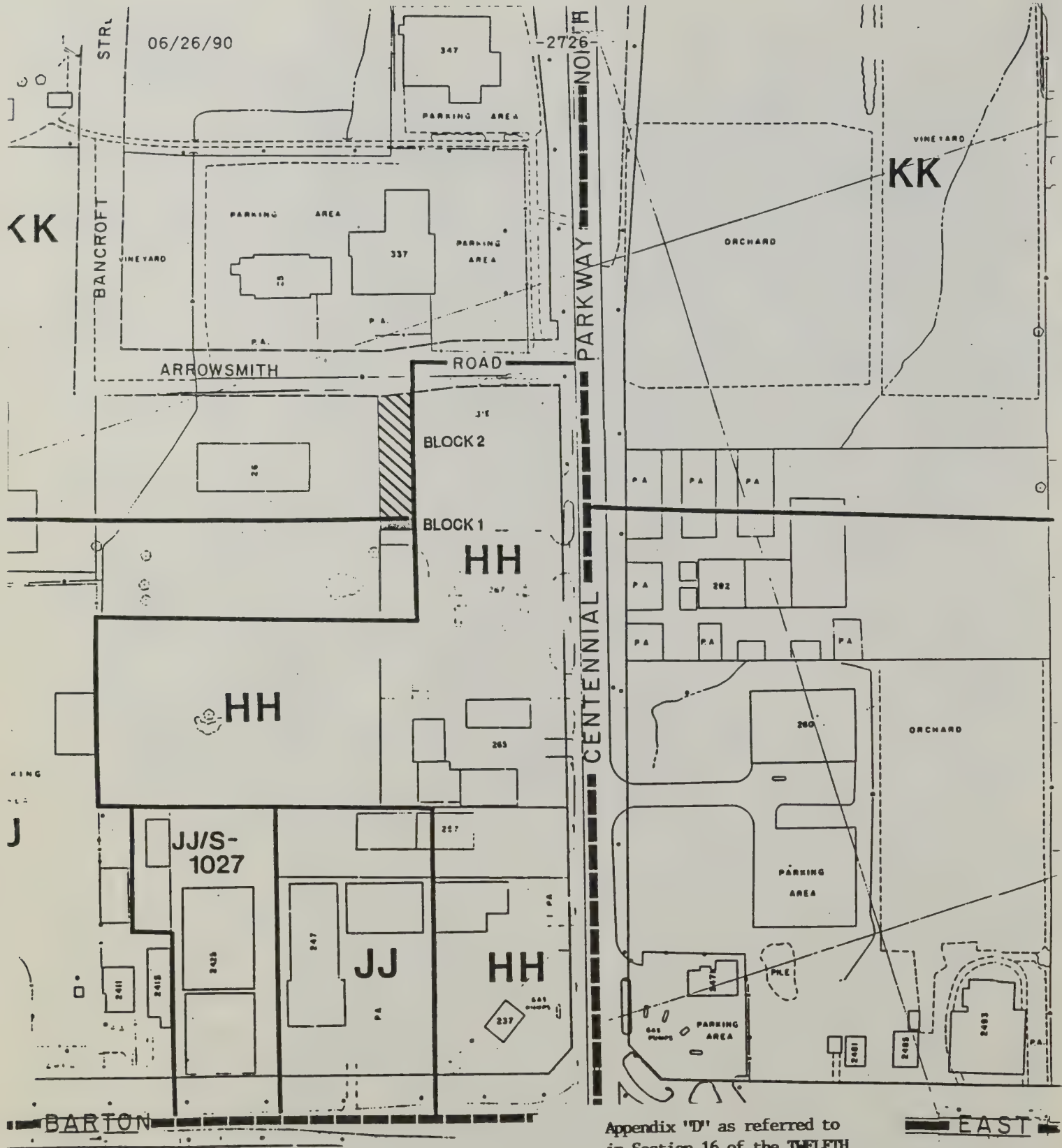


APPENDIX A

AA

06/26/90

2726



### Legend

Proposed change in zoning from:

BLOCK 1



BLOCK 2



"JJ" (Restricted Light Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District.

"KK" (Restricted Heavy Industrial District) District to "HH" (Restricted Community Shopping and Commercial District) District.

Appendix "D" as referred to in Section 16 of the TWELFTH Report for 1990 of the Planning & Development Committee.



APPENDIX A







06/26/90

2728

L.C/S-401

RT-20

G/S  
1064L-mr.1/  
S-401

AA

RIETI PLACE

LIVORNO COURT

INGRID COURT

GOLDENGATE AVENUE

SINENA AVENUE

R-4

GAGLIANO DRIVE

EAGLEWOOD

BLOCK 1

BLOCK 2

G/  
S-1141

BLOCK 1



BLOCK 2



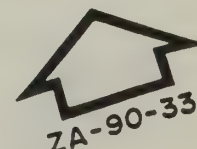
### Legend

Proposed change in zoning from:

"AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District.

"C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District.

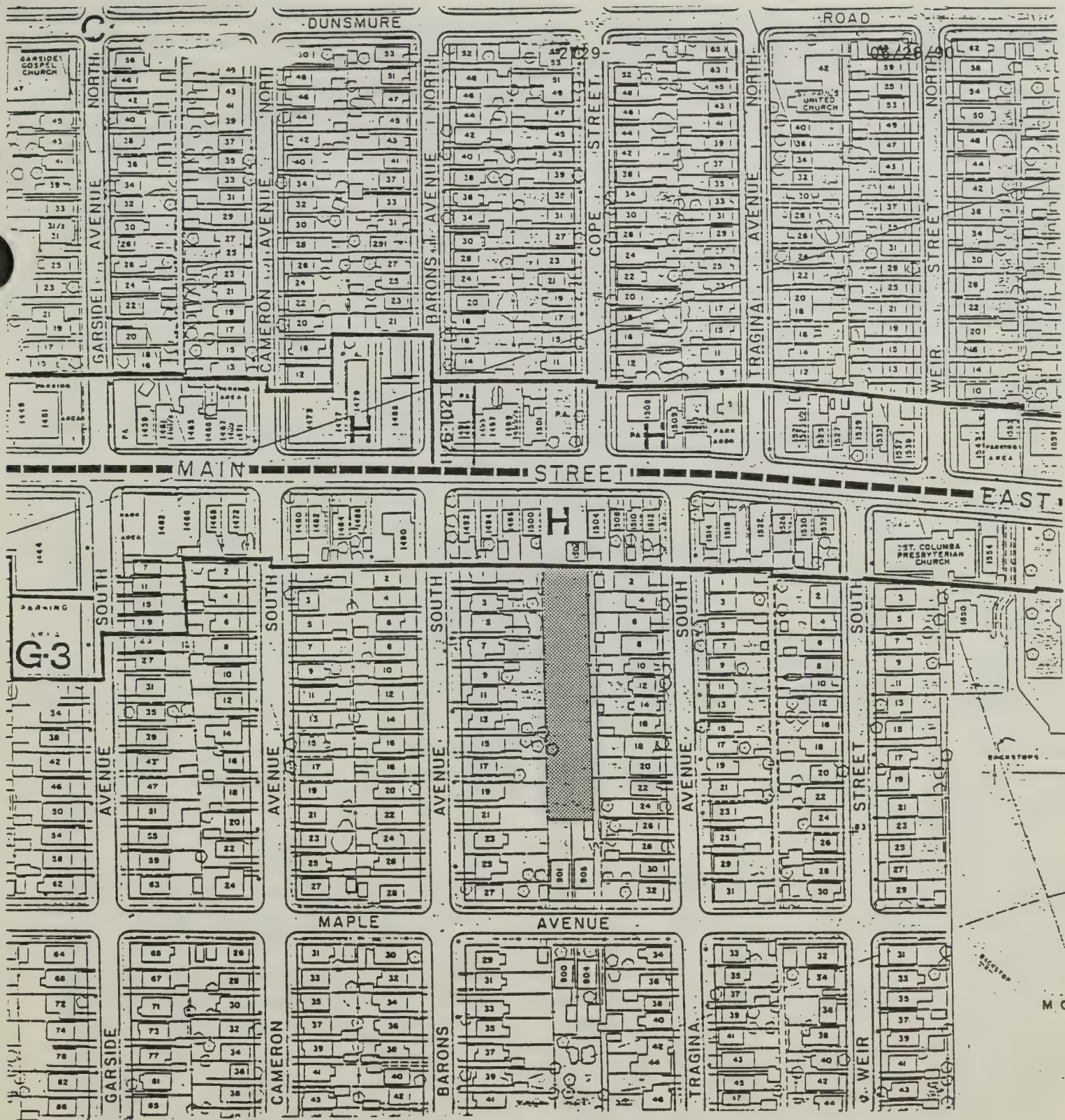
Appendix "F" as referred to in Section 18 of the TWELFTH Report for 1990 of the Planning & Development Committee.



APPENDIX A

1





Legend

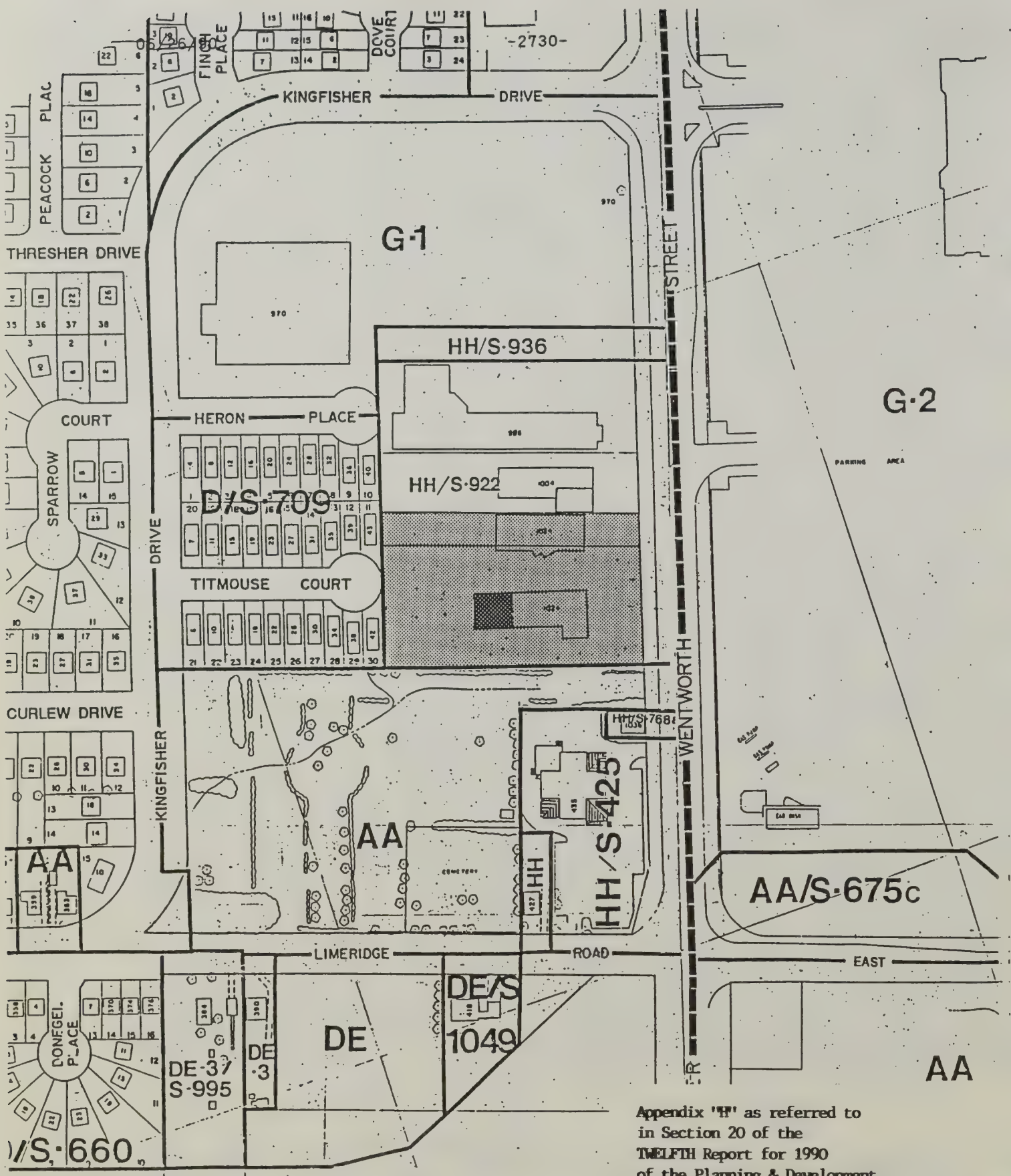


Site of the Application

Appendix "G" as referred to  
in Section 19 of the TWELFTH  
Report for 1990 of the  
Planning & Development  
Committee.



APPENDIX A



# Legend



Site of the Application



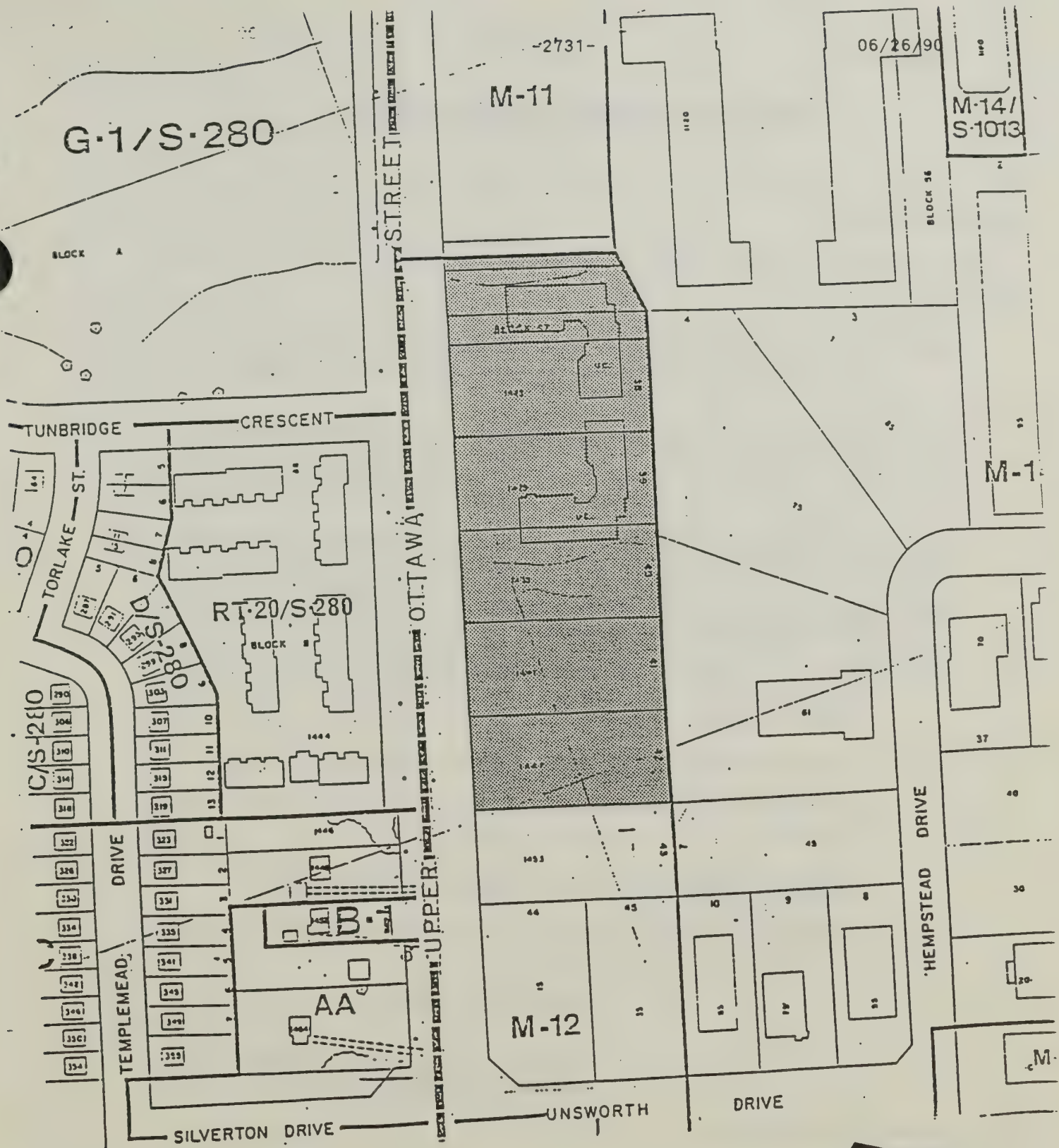
Location of Proposed Body/Fender Repair and Paint Shop

Appendix "H" as referred to in Section 20 of the TWELFTH Report for 1990 of the Planning & Development Committee.

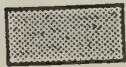


APPENDIX A





Legend



Site of the Application



Appendix "T" as referred to  
in Section 21 of the  
TWELFTH Report for 1990 of the  
Planning & Development  
Committee.

**REPORT OF THE INFORMATION SYSTEMS COMMITTEE**

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Information Systems Committee presents its **FOURTH** Report for 1990 and respectfully recommends:

1. (a) That Triathlon Leasing of Richmond Hill provide leasing services in accordance with their proposal dated 1990 June 11. Lowest of four leasing proposals received.

One used IBM 3380-K Disk Drive at \$2 013./month for 36 months.

- (b) That funding be proved from Account No. CH56605 26020 (Central Processing - Leasing Computer Equipment).
- (c) That the leasing agreement be in a form satisfactory to the City of Hamilton Solicitor (The City of Hamilton is the Lessee).
- (d) That the City of Hamilton Mayor and Clerk be authorized to execute the above-mentioned lease agreement.

2. (a) That Scott Leasing of Mississauga provide leasing services in accordance with their proposal dated 1990 June 11. Lowest of five leasing proposals received.

One used IBM 3480-B tape drive at \$890./month for 36 months.

- (b) That funding be provided from Account No. CH56605 26020 (Central Processing - Leasing Computer Equipment).
- (c) That the leasing agreement be in a form satisfactory to the City of Hamilton Solicitor (The City of Hamilton is the Lessee).
- (d) That the City of Hamilton Mayor and Clerk be authorized to execute the above-mentioned lease agreement.

**Respectfully Submitted**

**ALDERMAN J. GALLAGHER, CHAIRMAN  
INFORMATION SYSTEMS COMMITTEE**

**Mrs. L. Dale, Acting Secretary  
1990 June 21**

**mjw**

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The City of Hamilton Licensing Committee presents its FOURTH Report for 1990 and respectfully recommends:

1. That the Bingo Application of Advent Liberal Catholic Church (Hamilton) Inc., St. Luke's Liberal Catholic Church (Hamilton) Inc. and Blessed Trinity Community Church (Hamilton) Inc. be denied for a three-month period effective July 1st.

NOTE: For the information of Members of City Council, the City of Hamilton Licensing Committee at its meeting of 1990 May 23 recommended that the foregoing Licence Applications be denied on the grounds that the applicant failed to report payment of honorariums in excess of allowed amounts, which resulted in expenses in excess of the 15% maximum, all contrary to By-law 78-130, as amended, and the Provincial Terms and Conditions with respect to Bingo. (Further information may be obtained from the Secretary.)

RESPECTFULLY SUBMITTED

ALDERMAN W. McCULLOCH  
ACTING CHAIRMAN  
LICENSING COMMITTEE

Stella Glover  
Secretary

1990 May 23



## REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The City of Hamilton Licensing Committee presents its FIFTH Report for 1990 and respectfully recommends:

1. That the Cab Driver Licence of Raphael J. Kolenko, 1270 Maple Crossing Boulevard, #1809, Burlington be denied until September 1st, 1990, and that issuance at that date be contingent upon the applicant committing no further driving infractions in the meantime.

NOTE: For information of members of City Council, the City of Hamilton Licensing Committee at its meeting of 1990 June 13 recommended that the foregoing Licence Application be denied until 1990 September 1st, on the grounds of the applicant's extensive driving record.

Mr. Kolenko's cab driver licence was suspended by City Council until 1989 December 31. Since that date he has committed further driving infractions. The above decision extends the suspension and attaches an additional condition.

2. That a Taxi Cab Owner Licence be issued to John Lynch, 78 Melvin Avenue, Hamilton, subject to Council approving the agreement attached hereto as Appendix "A" prohibiting the sale of the licences for five years.

NOTE: For the information of members of City Council, after conducting hearings on the application, the Licensing Committee decided on the 4th of April, 1990, that the applicant was found to meet the requirements for issuance of a taxi owners licence, based upon licenses held by his corporation. The agreement was a requirement of the Licensing Committee to prevent the sale of licences held by Mr. Lynch, and consistent with the requirements of Section 28 of the taxi schedule (by-law), which requires that licences not be transferred for a period of five years from issuance off the priority list. The agreement prevents direct and indirect transfers of licences by controlling both licence and share transfers by Mr. Lynch, and the corporation in which he is a one hundred percent shareholder. The Licensing Committee has already approved the form of the agreement which requires acceptance by Council prior to issuing any licence.

-2-

3. That a Taxi Cab Owner Licence be issued to Robert Bellamy, 350 Britannia Avenue, Hamilton subject to Council approving the agreement attached hereto as Appendix "B" prohibiting the sale of the licences for five years.

NOTE: For the information of members of City Council, after conducting hearings on the application, the Licensing committee decided on the 4th of April, 1990, that the applicant was found to meet the requirements for issuance of a taxi owners licence, based upon licences held by his corporation. The agreement was a requirement of the Licensing Committee to prevent the sale of licences held by Mr. Bellamy, and consistent with the requirements of Section 28 of the taxi schedule (by-law), which requires that licences not be transferred for a period of five years from issuance off the priority list. The agreement prevents direct and indirect transfers of licences by controlling both licence and share transfers by Mr. Bellamy, and the corporation in which he is a fifty percent shareholder. The Licensing Committee has already approved the form of the agreement which requires acceptance by Council prior to issuing any licence.

RESPECTFULLY SUBMITTED

ALDERMAN D. CHRISTOPHERSON  
CHAIRMAN  
LICENSING COMMITTEE

Stella Glover  
Secretary

1990 June 13

THIS UNDERTAKING Made this 9th day of May, 1990.

BETWEEN:

JOHN LYNCH  
(hereinafter referred to as the "Applicant")

AND

668549 ONTARIO INC.  
(hereinafter referred to as the "Company")

AND

THE CORPORATION OF THE CITY OF HAMILTON  
(hereinafter referred to as the "City")

AND

THE CITY OF HAMILTON LICENSING COMMITTEE  
(hereinafter referred to as the "Licensing Committee")

WHEREAS the Applicant is a licence applicant on the priority list maintained by the City for issuances of taxi-cab owner's licences, and the Applicant desires to be considered as an owner of such licences for the purposes of section 25 of City By-law 89-249, as amended by City by-law 89-316, both of which may be amended from time to time and which are all collectively hereinafter referred to as the "City's By-law;

AND WHEREAS the Applicant holds one hundred (100) percent of the voting shares of the Company, which is listed as the holder of the City taxi-cab owner's licences more particularly listed in Schedule "A" hereto annexed;

AND WHEREAS the Company's voting shares are held in the proportion and by the persons more particularly set out in Schedule "B" hereto annexed;

AND WHEREAS the Licensing Committee has decided at its meeting of April 4th, 1990 that applicants who are individuals may in certain circumstances qualify as owner of taxi-cab owner's licence under the City's By-law, even though a company in fact is listed as the holder of the licences;

AND WHEREAS the Licensing Committee has decided that issuance of a taxi-cab owner's Licence to the Applicant would not be in the public interest, without an agreement on the part of the Applicant and the Company that for taxi-cab owner's licences currently held, and for those licences to be issued from the priority list, provisions similar to those found in section 28 of the City's By-law apply as if the Applicant and the Company were one and the same person, and further that any direct or indirect changes in control over the licences by the Applicant through the issuance and transfer of voting shares in the Company be prohibited, the terms of such agreement being more particularly described hereinafter below;

AND WHEREAS the Applicant herein acknowledges that the decision of the Licensing Committee above deems such agreement to be a condition precedent to the issuance of a licence to the Applicant, made necessary to qualify the Applicant in the circumstances existing at the time of the consideration of this application;

AND WHEREAS breach of this agreement is cause for the licensing Committee and the City to consider the breach as if the Applicant and the Company as one person had breached the provisions of section 28 of the City's By-law, by the transfer or attempted transfer of a taxi-cab owner's licence within the prohibited period following the issuance of such a licence from the priority list without surrendering the licence obtained from the priority



list;

AND WHEREAS the City's By-law is applicable to the Applicant and Company, and the procedures, conditions and law otherwise applicable to the licensing, regulating, and governing of owners of cabs, and that apply for revoking any such licence, apply without modification to both the Applicant and the Company separately as before this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for other good and valuable consideration and the sum of One dollar (\$1.00) of lawful money of Canada given by both the City and the Licensing Committee to each of the Applicant and the Company, the receipt of which is hereby acknowledged, the Applicant and the Company each jointly and severally, covenant and agree with the City and the Licensing Committee, to comply with, keep, perform and be bound by each and every term, condition and covenant set out to the extent that the same are expressed to be respectively binding upon them, and the same shall enure to the benefits of and shall be binding upon their respective heirs, executors, administrators, successors and assigns.

#### TRUTH OF RECITALS

1. Both the Applicant and the Company hereby acknowledge and declare that the above recitals are true and correct in substance and in fact.

#### DEFINITIONS

2. For the purposes of this section and sections three and four of this Undertaking, the following additional definitions apply;

(a) "Licence Holder" shall include both the Applicant and the Company;

(b) "priority list" shall mean that list used for the issuance of taxi-cab owner's licenses under the City's By-law;

(c) "Previously Issued Owner's Licence" shall include all taxi-cab owner's licences held by the Company, as set out in Schedule "A" hereto attached;

(d) "change in ownership" shall mean any issuance or transfer of voting shares of the Company which changes the list of shareholders, or the proportion of shares held, from that set out in Schedule "B" hereto attached.

#### TRANSFER OF LICENSES OR CONTROL PROHIBITED

3. Where the Licence holder receives a taxi-cab owner's licence from the City's priority list, unless the prior written consent of the City's Licensing Department and of the Licensing Committee are given, the Licence Holder agrees that:

(a) for a period of at least five (5) consecutive years from the date of receipt of the most recent taxi-cab owner's licence from the priority list, the Licence Holder shall not transfer any taxi-cab owner's licence nor shall such transfer be approved, unless the most recently issued taxi-cab owner's licence is surrendered to the Licensing Committee for cancellation; and,

(b) for a period of at least five (5) consecutive years from the date of receipt of the most recent taxi-cab owner's licence from the priority list, the Licence Holder shall not make or consent to any change in ownership of the Company, unless the most recently issued taxi-cab owner's licence is surrendered to the Licensing Committee for cancellation.

4. This Undertaking shall terminate upon the expiry of five (5) years from the date of issuance of the most recent taxi-cab owner's licence from the priority list.

5. The Applicant and the Company promise to do or cause to be done all further lawful, necessary and reasonable acts, deeds or assurances, in a reasonable and timely manner, for the better performance of the terms and conditions of this Undertaking. No omission or failure to complete this obligation may be asserted or relied upon by the Applicant or the Company to defeat the purpose and intent of this Undertaking or deny the benefits and rights intended to be established therein by the City and the Licensing Committee.

6. Neither the Applicant nor the Company will call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative or other tribunal the right of the City or the Licensing Committee to enter into or accept this agreement and to enforce each and every term, covenant and condition thereof and this provision may be pleaded by the City or the Licensing Committee in any such action or proceeding as a complete and conclusive estoppel of any denial of such right.

7. If any term of this Undertaking shall be found to be ultra vires of the City or Licensing Committee, or otherwise unlawful, such term shall conclusively be deemed to be severable and the remainder of this Undertaking mutatis mutandis shall be and remain in full force and effect.

SIGNED, SEALED AND DELIVERED )

668549 ONTARIO INC., per:

In the presence of

President: John Lynch

~~John~~ Lynch

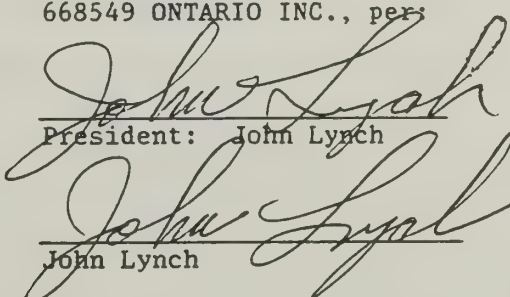
SCHEDULE "A"

This is Schedule "A" to the Undertaking dated May 9th, 1990, given by John Lynch and 668549 ONTARIO INC. to the Corporation of the City of Hamilton and the City of Hamilton Licensing Committee to which it is attached and forms a part.

Taxi Owners Licenses which are currently held by 668549 ONTARIO INC.:

City of Hamilton Taxi Owner Plate numbers 28, 36, 76, and 181.

668549 ONTARIO INC., per:

  
President: John Lynch

John Lynch

SCHEDULE "B"

This is Schedule "B" to the Undertaking dated May 9th, 1990 given by John Lynch and 668549 ONTARIO INC. to the Corporation of the City of Hamilton and the City of Hamilton Licensing Committee to which it is attached and forms a part.

Holders of Voting Shares in 668549 ONTARIO INC. and proportions of shares held:

Shareholder

Percentage of Shares Held

John Lynch

One Hundred Percent (100%)

668549 ONTARIO INC., per:

  
President: John Lynch

John Lynch



06/26/90

THIS UNDERTAKING Made this 9 day of May, 1990.  
BETWEEN :

ROBERT GEORGE BELLAMY  
(hereinafter referred to as the "Applicant")

AND

740884 ONTARIO LIMITED  
(hereinafter referred to as the "Company")

AND

THE CORPORATION OF THE CITY OF HAMILTON  
(hereinafter referred to as the "City")

AND

THE CITY OF HAMILTON LICENSING COMMITTEE  
(hereinafter referred to as the "Licensing Committee")

WHEREAS the Applicant is a licence applicant on the priority list maintained by the City for issuances of taxi-cab owner's licences, and the Applicant desires to be considered as an owner of such licences for the purposes of section 25 of City By-law 89-249, as amended by City by-law 89-316, both of which may be amended from time to time and which are all collectively hereinafter referred to as the "City's By-law";

AND WHEREAS the Applicant holds fifty (50) percent of the voting shares of the Company, which is listed as the holder of the City taxi-cab owner's licences more particularly listed in Schedule "A" hereto annexed;

AND WHEREAS the Company's voting shares are held in the proportion and by the persons more particularly set out in Schedule "B" hereto annexed;

AND WHEREAS the Licensing Committee has decided at its meeting of April 4th, 1990 that applicants who are individuals may in certain circumstances qualify as owner of taxi-cab owner's licences under the City's By-law, even though a company in fact is listed as the holder of the licences;

AND WHEREAS the Licensing Committee has decided that issuance of a taxi-cab owner's licence to the Applicant would not be in the public interest, without an agreement on the part of the Applicant and the Company that for taxi-cab owner's licences currently held, and for those licences to be issued from the priority list, provisions similar to those found in section 28 of the City's By-law apply as if the Applicant and the Company were one and the same person, and further that any direct or indirect changes in control over the licences by the Applicant through the issuance and transfer of voting shares in the Company be prohibited, the terms of such agreement being more particularly described hereinafter below;

AND WHEREAS the Applicant herein acknowledges that the decision of the Licensing Committee above deems such agreement to be a condition precedent to the issuance of a licence to the Applicant, made necessary to qualify the Applicant in the circumstances existing at the time of the consideration of the his application;

AND WHEREAS breach of this agreement is cause for the Licensing Committee and the City to consider the breach as if the Applicant and the Company as one person had breached the provisions of section 28 of the City's By-law, by the transfer or attempted transfer of a taxi-cab owner's licence within the prohibited period following the issuance of a such a licence from the priority list without surrendering the licence obtained from the priority list;

AND WHEREAS the City's By-law is applicable to the Applicant and Company, and the procedures, conditions and law otherwise applicable to the licensing, regulating, and governing of owners of cabs, and that apply for revoking any such licence, apply without modification to both the Applicant and the Company separately as before this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for other good and valuable consideration and the sum of One dollar (\$1.00) of lawful money of Canada given by both the City and the Licensing Committee to each of the Applicant and the Company, the receipt of which is hereby acknowledged, the Applicant and the Company each jointly and severally, covenant and agree with the City and the Licensing Committee, to comply with, keep, perform and be bound by each and every term, condition and covenant set out to the extent that the same are expressed to be respectively binding upon them, and the same shall enure to the benefits

of and shall be binding upon their respective heirs, executors, administrators, successors and assigns.

#### TRUTH OF RECITALS

1. Both the Applicant and the Company hereby acknowledge and declare that the above recitals are true and correct in substance and in fact.

#### DEFINITIONS

2. For the purposes of this section and sections three and four of this Undertaking, the following additional definitions apply;

- (a) "Licence Holder" shall include both the Applicant and the Company;
- (b) "priority list" shall mean that list used for the issuance of taxi-cab owner's licenses under the City's By-law;
- (c) "Previously Issued Owner's Licence" shall include all taxi-cab owner's licences held by the Company, as set out in Schedule "A" hereto attached;
- (d) "change in ownership" shall mean any issuance or transfer of voting shares of the Company which changes the list of shareholders, or the proportion of shares held, from that set out in Schedule "B" hereto attached.

#### TRANSFER OF LICENSES OR CONTROL PROHIBITED

3. Where the Licence Holder receives a taxi-cab owner's licence from the City's priority list, unless the prior written consents of the City's Licensing Department and of the Licensing Committee are given, the Licence Holder agrees that :

- (a) for a period of at least five (5) consecutive years from the date of receipt of the most recent taxi-cab owner's licence from the priority list, the Licence Holder shall not transfer any taxi-cab owner's licence nor shall such transfer be approved, unless the most recently issued taxi-cab owner's licence is surrendered to the Licensing Committee for cancellation; and,
- (b) for a period of at least five (5) consecutive years from the date of receipt of the most recent taxi-cab owner's licence from the priority list, the Licence Holder shall not make or consent to any change in ownership of the Company, unless the most recently issued taxi-cab owner's licence is surrendered to the Licensing Committee for cancellation.

#### TERMINATION

4. This Undertaking shall terminate upon the expiry of five (5) years from the date of issuance of the most recent taxi-cab owner's licence from the priority list.

#### FURTHER ACTS AND DOCUMENTS

5. The Applicant and the Company promise to do or cause to be done all further lawful, necessary and reasonable acts, deeds or assurances, in a reasonable and timely manner, for the better performance of the terms and conditions of this Undertaking. No omission or failure to complete this obligation may be asserted or relied upon by the Applicant or the Company to defeat the purpose and intent of this Undertaking or deny the benefits and rights intended to be established therein by the City and the Licensing Committee.

#### INCONTESTABILITY

6. Neither the Applicant nor the Company will call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative or other tribunal the right of the City or the Licensing Committee to enter into or accept this agreement and to enforce each and every term, covenant and condition thereof and this provision may be pleaded by the City or the Licensing Committee in any such action or proceeding as a complete and conclusive estoppel of any denial of such right.

#### SEVERANCE OF ULTRA VIRES TERMS

06/26/90

-2742-

7. If any term of this Undertaking shall be found to be ultra vires of the City or the Licensing Committee, or otherwise unlawful, such term shall conclusively be deemed to be severable and the remainder of this Undertaking mutatis mutandis shall be and remain in full force and effect.

IN WITNESS WHEREOF the Applicant has hereunto set his hand and seal, and the Company has hereunto caused to be affixed its corporate seal attested by the hands of its proper officers, both on the day and year first above written.

SIGNED, SEALED AND DELIVERED ) 740884 ONTARIO LIMITED, per:

In the presence of )

) President : Robert G. Bellamy

) Robert George Bellamy

) Robert George Bellamy



This is Schedule "A" to the Undertaking dated *June 9*, 1990, given by Robert George Bellamy and 740884 ONTARIO LIMITED to the Corporation of the City of Hamilton and the City of Hamilton Licensing Committee to which it is attached and forms a part.

Taxi Owners Licenses which are currently held by 740884 ONTARIO LIMITED :

City of Hamilton Taxi Owner Plate numbers 108, 203, and 225.

*RB*  
*RB*

This is Schedule "B" to the Undertaking dated *June 9*, 1990 given by Robert George Bellamy and 740884 ONTARIO LIMITED to the Corporation of the City of Hamilton and the City of Hamilton Licensing Committee to which it is attached and forms a part.

Holders of Voting Shares in 740884 ONTARIO LIMITED and Proportions of shares held:

<u>Shareholder</u>	<u>Percentage of Shares Held</u>
Robert George Bellamy	Fifty Percent (50%)
Sharon Anne Bellamy	Fifty Percent (50%)

*RB*  
*RB*

## REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its NINETEENTH Report for 1990 and respectfully recommends:

1. That a purchase order be issued to J. P. Hammill, Guelph, in the amount of \$67 746 plus 8% Provincial sales tax, for the supply and delivery of Fatigue Uniforms for the Hamilton Fire Department in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

As there is only one Council at the end of June, and delivery is four to six weeks, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

NOTE: Lowest of three (3) tenders received. Funds provided in Uniforms, Clothing and Accessories Account No. CH56104 48001.

2. That a purchase order be issued to Tenneco Canada Inc., d/b/a Case Power, Grimsby, in the amount of \$77 544 for the replacement of one (1) Integral Tractor Loader, Unit #9503, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of four (4) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.

3. That a purchase order be issued to King Equipment Manufacturing Corp., Woodstock, in the amount of \$116 388.36 for the replacement of one (1) 26 500 lb. GVW Truck with Hydraulic Telescoping Aerial Device, Unit #9005, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest acceptable of three (3) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.

4. That a purchase order be issued to Bryan's Farm & Industrial, Puslinch, in the amount of \$21 168 for the replacement of one (1) 4 Wheel Drive Compact Tractor, Unit #9507, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest acceptable of five (5) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.

5. That a purchase order be issued to Starfield Safetywear Mfg., Toronto, for the supply and delivery of forty (40) Bunker Suits for the Hamilton Fire Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's proposal, as follows:

Protective Coat	-	\$464 each
Protective Trouser	-	\$311 each

Federal and Provincial sales taxes extra

NOTE: Lowest acceptable of three (3) proposals received. Funds provided in Protective Clothing Account No. CH56126 48001.

6. That a purchase order be issued to CTI Business Interiors, Mississauga, in the amount of \$41 956.31 for the supply and delivery of Office Furniture for the Traffic Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of three (3) tenders received. Funds provided in Traffic Department Renovations Account No. CF5573 318841201.

7. That the gross cost of \$30 000 for the Feasibility/Needs Study for senior citizens, as approved by City Council 1989 January 31, be increased to \$49 900 to correspond with the contract issued to the Institute of Environmental Research, and that the original City's cost of \$30 000 be reduced to \$12 475 as a result of the Ministry of Tourism and Recreation's 75% grant.

8. That the City's share of services to be installed in the (i) Beaverton Estate in the amount of \$174 940.50; (ii) Sandrina Gardens Phase I in the amount of \$160 296; and (iii) Effort Gardens in the amount of \$230 478.83, for a total of \$565 715.33, as referred to in Section 9 of the NINTH Report of the Transport and Environment Committee, be financed from the Reserve for City's Share of Services through Unsubdivided Lands.



9. That the City's share of services to be installed in Bar-Rock Estates - temporary payment on Dulgaren Street from Eleanor Avenue to Presidio Drive, in the gross amount of \$9 000, as referred to in Section 8 of the NINTH Report of the Transport and Environment Committee, be financed from the Reserve for City's Share of Services through Unsubdivided Lands.
  10. That the estimated \$45 000 required to provide two bocci courts and fencing at each of the locations at William McCulloch Park, Sam Manson Park and Rosedale Arena, as referred to in Section 16 of the TWELFTH Report of the Parks and Recreation Committee, be funded from the "Reserve for Parkland (5% Fund)".
  11. That the estimated \$18 000 cost to repair the Inch Park Tennis Court as referred to in Section 21 of the TWELFTH Report of the Parks and Recreation Committee, be financed from the "Reserve for Major Repairs and Improvements to City-Owned Property", Centre No. 00109.
  12. That the \$46 000 required as a base transfer to the Culture and Recreation Department's budget to provide funding for Wesley Urban Ministries - Victoria Park Community Centre, as approved by City Council 1990 May 29, be funded by a transfer of appropriation from the Contingency Account No. CH50010 24120 to an appropriate account within the Recreation budget.
- NOTE: City Council at its meeting of 1990 May 29 adopted Section 19 of the Eleventh Report of the Parks and Recreation Committee which directed the Treasurer to find the funds for the above purpose.
13. That the gross cost of the "Sander/Wing Plow Project" (Centre 608951001) be reduced by \$9 000, from \$85 000 to \$76 000, and that the gross cost of the "New Equipment - Vacalls, Steam Jenny, Elephant Vacs" (Centre 609051014) project be increased by \$9 000, from \$213 000 to \$222 000, in order to accommodate an additional requirement for the Vacalls portion of the project.
  14. (a) That permission be granted to the Adult Basic Education Association of Hamilton-Wentworth to use the City Hall forecourt on Wednesday, 1990 July 4 at 12:00 noon for a ceremony to commemorate International Literacy Year and the "Book Voyage", including the use of various equipment.  
(b) That the International Literacy Year Flag be flown at City Hall from 12:00 noon 1990 July 4 until July 31.

15. That, as provided for in Section 123 (1) of the Education Act dealing with the correction of a clerical error in respect of School support, the taxes for the Municipal property known as 20 Hempstead Drive, in the City of Hamilton be directed to the Separate School Board.
16. That, as provided for in Section 123 (1) of the Education Act dealing with the correction of a clerical error in respect of School support, the taxes for the Municipal property known as 672 Barton Street East, 1st, in the City of Hamilton, be directed to the Separate School Board.
17. That a civic silver ring be awarded to Miss Theresa Wolf in recognition of winning the Women's Novice Canadian Gymnastics Federation 1990 national title held in Halifax, Nova Scotia 1990 May 17-20.
18. That the Appointments To and Terminations from Permanent positions with the Corporation to June 13, 1990, attached hereto and marked Appendix "A", be approved.
19. That the contract settlement of The Carpenters Employer Bargaining Agency and The Ontario Provincial Council, United Brotherhood of Carpenters and Joiners of America (Local 18, Hamilton), attached hereto as Appendix "B", be received pursuant to the Fair Wage Policy of the City of Hamilton.
20. That the Memorandum of Agreement between the Corporation of the City of Hamilton and the Hamilton Professional Fire Fighters Association dated 1990 May 23 and attached hereto as Appendix "C", be approved and implemented in accordance with the terms therein.
21. That the hourly rate of pay for the positions of Snack Bar Clerk and Outside Activity Assistant be set, effective 1990 July 1, at:

Step 1 - \$6.00 per hour  
Step 2 - \$6.15 per hour  
Step 3 - \$6.30 per hour

NOTE: In order to remain competitive in the marketplace and to reduce staff turnover in these positions, it is necessary to increase these rates from the current level of \$5.263 per hour. The Department of Culture and Recreation advises that this increase in cost (less than \$1 000) can be accommodated within its budget.

22. That the fees paid to the City Doctor, J. Douglas Bell, M.D., for the examination of firefighters on a regular basis, be increased by 5% effective 1990 January 1.

NOTE: The increased amount was approved in the 1990 Hamilton Fire Department Budget, Account No. CH55403 48001.

23. That the City of Hamilton appoint Mr. John Johnston to the position of Commissioner of Human Resources.

NOTE: This appointment was approved by Regional Council on 1990 June 19.

24. That the Terms of Reference for the Keep Hamilton Clean Committee be changed by the addition of one member to adjust the Committee membership from nine to ten citizen members.

25. That a maximum of seven (7) Members of City Council be authorized to attend the 1990 Annual Conference of the Association of Municipalities of Ontario to be held in the City of Toronto 1990 August 19 - 22.

26. (a) That a grant in the amount of \$2 000 be made to The Ontario Plumbing Inspectors' Association to be used to assist in staging and hosting their annual meeting and technical conference to be held in Hamilton 1990 September 16 - 20.

(b) That this expenditure be funded from Hosting of Conferences with Municipal Subject Content, Account No. CH55307 80040.

27. That based on the complaint filed by Mr. & Mrs. D. Menechella for Lot #39, Kingsberry Gardens, Phase 4, the development charges be amended to the charges in effect prior to 1990 March 27 under 8(5)(b) of the Development Charges Act.

NOTE: City Council at its meeting held 1990 March 27 approved Development Charges By-law #90-74 pursuant to the Development Charges Act, 1989. The by-law prescribes development charges for residential and non-residential uses. These changes are collected to pay for services which the City must provide to newly developed areas.

The by-law contains a statement enacting the requirements as of 1990 March 27, however, building permit applications made before 1990 March 27 are exempt from the by-law requirements.



Section 8 of the Development Charges Act allows an owner to file a complaint to council pertaining to charges required by the municipality. Council has authority under 8(5) of the Act as follows:-

- 8(5) After hearing the evidence and submissions of the complainant, the council may,
  - (a) confirm the development charge; or
  - (b) amend the development charge to the extent that, in the opinion of the council, a review of any or all of the matters in subsection (1) justifies such an amendment.
- 28. (a) That approval be given to the action taken by the Finance and Administration Committee in approving an expenditure, estimated at \$1 150, to send the Manager of Cultural Services to promote the City of Hamilton at the 1990 Canadian Museum Association Conference in Edmonton 1990 June 20-24.
- (b) That this expenditure be funded from Hosting of Conferences with Municipal Subject Content, Account No. CH55307 80040.
- (c) That an amount of \$20 000 be committed in the 1991 budget of the Department of Culture and Recreation, for the City of Hamilton to co-host the 1991 Canadian Museum Association Conference to be held in Hamilton.
- 29. That Alderman Lombardo and two (2) other Members of City Council be appointed to a Comprehensive Audit Steering Committee for the Property Department and that the Comprehensive Audit be proceeded with as soon as possible.
- 30. (a) That the Terms of Reference for the Comprehensive Audit for the Licencing Division of the City Clerk's Department, attached hereto as Appendix "D", be approved.
- (b) That the Manager of Purchasing be requested to prepare Proposal Call Documents for distribution to interested parties.
- 31. That a purchase order be issued to The Coopers & Lybrand Consulting Group, Kitchener, in the amount of \$73 800 to conduct a comprehensive audit of the Hamilton Entertainment and Convention Facilities Inc., in accordance with the Request for Proposal issued by the Manager of Purchasing and Vendor's submission.

NOTE: Lowest acceptable of three (3) proposals received. Funds provided in Comprehensive Audit HECFI Account No. CH56395 24101.

32. That the following resolutions be endorsed:

- (a) City of Cambridge respecting funding criteria for "Recreational and Social Services Programs":

The City of Cambridge supports a number of Neighbourhood Associations that provide a variety of recreational programs and services to the residents of the City.

As these recreational programs and services are 'social services' that directly facilitate the development of the community; and as these programs are typically not funded by the Province;

The City of Cambridge requests the Association of Municipalities of Ontario to petition the Province to revise its funding criteria for 'recreational and social services programs'.

AND THAT this resolution be circulated to Regional MPP's and all Ontario municipalities with a population of over 50 000.

- (b) McMaster Co-Operative Housing Corporation respecting the development of a co-operative housing complex to provide affordable housing for the graduate student community at McMaster University:

WHEREAS, a shortage of on-campus housing in recent years has put increasing pressure on the Westdale area to handle the large number of students requiring accommodation close to McMaster University,

AND WHEREAS, demand for off-campus housing in the Westdale and West Hamilton areas often results in overcrowding and violation of Municipal by-laws and fire regulations,

AND WHEREAS, the need for affordable housing in West Hamilton, primarily to meet the needs of graduate students (singles, married, and married with dependents) at the University, has been documented in detail and submitted with an application under the FP91 Program filed April 30, 1990 at the Southern Region Housing Programs Office in Hamilton,

AND WHEREAS, construction of a housing complex by the McMaster Co-Operative Housing Corporation will relieve some pressure for affordable housing in the Westdale and West Hamilton areas,

AND WHEREAS, some 12.5% of the units in the complex will be filled from the Hamilton Housing Authority waiting lists.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Hamilton respectfully request the Honourable Mr. John Sweeney, Minister of Housing and Municipal Affairs, to expedite approval of an allocation of 150 housing units under the affordable housing program FP91, or the HOMES NOW program, as requested by the McMaster Co-Operative Housing Corporation.

33. That the City Solicitor be authorized and directed to apply to the Chief Judge of the Provincial Court (Criminal Division) for set fines to enable the City to issue Provincial Offence Notices (tickets) for contravention of the Fireworks By-law.

NOTE: The Fireworks By-law is being introduced to City Council for approval in Section 38 (a) of this Report.

34. (a) That the City of Hamilton pay the sum of \$20 000 inclusive of all interest and costs, to the Plaintiffs, Elaine and Wayne Armstrong, in Supreme Court of Ontario, Action No. 63089/89, in full and final settlement of their claim.
- (b) That the Plaintiffs be required to sign a Release satisfactory to the City Solicitor and consent to the dismissal of the action, without costs, upon payment of the settlement funds.
35. (a) That the City of Hamilton offer to settle Supreme Court of Ontario Action 4647/88 by payment to the Plaintiff, Edward Legacy, of the total sum of \$18 280.54 inclusive of interest, costs and disbursements.
- (b) That upon acceptance of the Offer, the Plaintiff be required to provide a Release to the City, satisfactory to the City Solicitor, and consent to the dismissal of the action against the City of Hamilton.
36. (a) That the City settle District Court Action No. 7645/87 by the payment to the Plaintiffs, Nick and Anna Lukicek, of \$60 721.30 inclusive of prejudgment interest, costs, and taxable disbursements.
- (b) That the Plaintiffs be required to provide The Corporation of the City of Hamilton with a full and final Release satisfactory to the City Solicitor and that the action be dismissed as against the City and its employee.



37. (a) That the City and Regional Administrative Committees be requested to strike a joint staff committee composed of employee representatives of the various strata of the organizations, including representation from the Purchasing Department to develop new policies and programs for the expanded use of products and services that contain the maximum level of post-consumer waste and/or recyclable content, without significantly affecting the intended use of the product or service.
- (b) That the joint staff committee report back to the Finance and Administration Committee with their recommendations.
38. That leave be granted to introduce the following Bills:
- (a) Bill G-35 A By-law Respecting Fireworks.
- (b) Bill G-37 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary  
1990 June 21  
/bc

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Raymond Baglione	Traffic Serviceman/ Woman II (A-3)	Traffic	Replacing Mr. D. Reid - promoted	\$22,717.76 to \$25,807.60	\$23,622.04 per annum (2 of 4)	14/05/90
Mr. Steve D. Berry	Probationary Fire Fighter (N/1)	Fire	Additional Staff approved in 1990 Budget	\$30,788.67	\$30,788.67 per annum (1 of 1)	04/06/90
Mr. Ernest Blundell	District Chief (C/11)	Fire	Replacing Mr. G. Smith - promoted	\$55,947.26	\$55,947.26 per annum (1 of 1)	06/05/90
Mr. Robert J. Brown	Equipment Repairman/ Woman (Recreation) (D-11)	Culture & Recreation	Additional Staff approved in 1990 Budget	\$29,163.68 to \$29,579.68	\$29,579.68 per annum (2 of 2)	07/05/90
Mr. Glen R. Burgoin	Grinder Operator (D-11)	Public Works	New position approved in 1989 Budget	\$29,163.68 to \$29,579.68	\$29,579.68 per annum (2 of 2)	30/04/90
Mr. Gerry F. Costello	Garage Attendant (D-7)	Public works	Replacing Mr. L. Perry - retired	\$28,306.72 to \$28,722.72	\$28,306.72 per annum (1 of 2)	24/04/90
Mr. Antonio DiFebo	Equipment Repairman/ Woman (Recreation) (D-11)	Culture & Recreation	Additional Staff approved in 1990 Budget	\$29,163.68 to \$29,579.68	\$29,579.68 per annum (2 of 2)	07/05/90

THE CORPORATION OF THE CITY OF HAMILTON  
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Mark T. Franco	Supervisor of Cashiers (M)	Treasury	Replacing Mr. J. Machida - transferred	\$36,125.44 to \$42,507.40	\$36,125.44 per annum (1 of 5)	12/02/90
Ms. Deborah Gagnon	Counter Clerk-Typist (E-2)	City Solicitor's	Replacing Ms. C. Eckenrath - retired	\$19,560.84 to \$21,073.00	\$20,341.88 per annum (2 of 3)	28/05/90
Ms. Marianne Gaunt	Lifeguard I (CH5)	Culture & Recreation	Replacing Ms. N. Hermiston - resigned	\$21,434.40 to \$23,179.52	\$21,434.40 per annum (1 of 3)	14/05/90
Ms. Kelly Goodwin	Lifeguard II (CH4)	Culture & Recreation	Replacing 2 part time positions	\$20,302.36 to \$21,910.20	\$20,302.36 per annum (1 of 3)	15/05/90
Mr. Bernhard Jaeckle	Probationary Fire Fighter (N/1)	Fire	Additional Staff approved in 1990 Budget	\$30,788.67	\$30,788.67 per annum (1 of 1)	04/06/90
Mr. Jean-Paul Lapointe	Grinder Operator (D-11)	Public Works	New Position approved in 1989 Budget	\$29,163.68 to \$29,579.68	\$29,579.68 per annum (2 of 2)	30/04/90
Mr. Scott McEwan	Motor Mechanic II (Non-Certified)(D-12)	Public Works	Replacing Mr. M. Axford - resigned	\$30,551.04 to \$30,967.04	\$30,967.04 per annum (2 of 2)	28/05/90

Prepared 13/06/90



THE CORPORATION OF THE CITY OF HAMILTON  
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Richard Melanson	Rink Attendant I (D-9)	Culture & Recreation	Replacing Mr. R. Brown - promoted	\$28,649.92 to \$29,065.92	\$29,065.92 per annum (2 of 2)	21/05/90
Mr. Tim E. Mountain	Caretaker (B-2)	Property	Replacing Mr. B. Ortyl - retired	\$23,125.44 to \$24,945.96	\$23,125.44 per annum (1 of 2)	23/04/90
Mr. Bradley S. Phillips	Probationary Fire Fighter (N-1)	Fire	Additional Staff approved in 1990 Budget	\$30,788.67	\$30,788.67 per annum (1 of 1)	04/06/90
Mr. Robert F. Smith	Labourer/Truck Driver (D-7)	Public Works	Replacing Mr. K. Henderson - promoted	\$28,306.72 to \$28,722.72	\$28,722.72 per annum (1 of 2)	14/05/90
Mr. Lawrence E. Stasiuk	Landscape Architect (A-15)	Public Works	New Position approved in 1990 Budget	\$38,025.52 to \$43,511.52	\$42,362.84 per annum (5 of 6)	14/05/90
Mr. Edmund Switenky	Traffic Technologist (A-14)	Traffic	Additional Staff approved in 1989 Budget	\$34,893.04 to \$41,550.60	\$39,505.44 per annum (4 of 5)	30/04/90
Mr. Anthony Tozzi	Meter Serviceman I (A-4)	Traffic	Replacing Mr. A. Whiteman - retired	\$24,354.20 to \$27,451.32	\$27,451.32 per annum (5 of 5)	30/04/90

Prepared 13/06/90

THE CORPORATION OF THE CITY OF HAMILTON  
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. David B. Walker	Handyman/Woman (M-10)	H.E.C.F.I.	Replacing Mr. A. Scime - resigned	\$30,611.36 per annum	\$30,611.36 (1 of 1)	22/05/90
Mr. David B. Walker	Probationary Fire Fighter (N-1)	Fire	Additional Staff approved in 1990 Budget	\$30,788.67 per annum	\$30,788.67 (1 of 1)	04/06/90
Ms. Margaret J. Walton	General Foreman/Woman (Beautification)(L-3)	Public works	Replacing Mr. R. Gladish - resigned	\$38,653.68 to \$45,517.16	\$38,653.68 per annum (1 of 5)	22/05/90
Mr. Scott L. Weaver	Horticulture Foreman III (13-C)	Public Works	Replacing Mr. B. Duckworth - transferred	\$31,010.72 to \$35,613.24	\$35,613.24 per annum (1 of 3)	21/05/90
Mr. Terry A. Westlake	Caretaker (B-2)	Property	Replacing Mr. R. Baglione - transferred	\$23,125.44 to \$24,945.96	\$23,125.44 per annum (1 of 2)	22/05/90
Mr. John Whitwell	Invoice Checking Clerk (E-3)	Treasury	Replacing Ms. T. Restivo - retired	\$20,854.08 to \$22,530.04	\$21,612.76 per annum (2 of 3)	14/05/90

Prepared 13/04/90

THE CORPORATION OF THE CITY OF HAMILTON  
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Michael Axford	Motor Mechanic II (Non-Certified)	Public Works	Resigned	5 years, 11 months	20/04/90
Mr. John Kornuta	Garbage Truck Driver	Public Works	Terminated	35 years	19/04/90
Mr. Lorne Perry	Garage Attendant	Public Works	Retired	23 years	06/05/90
Mr. Michael Roberts	Building Inspector	Building	Resigned	9 years, 1 month	11/05/90
Mr. Roy Schofield	Parking Meter Collections Clerk	Treasury	Retired	21 years, 1 month	25/05/90
Mr. Tony Scime	Handyman/Woman	H.E.C.F.I.	Resigned	4 years, 4 months	13/04/90
Mr. Peter Shwedyk	Labourer/Truck Driver	Public Works	Resigned	1 year, 10 months	06/04/90
Mr. Arthur Whiteman	Meter Serviciceman I	Traffic	Retired	15 years, 5 months	30/04/90
Mr. Kenneth Withers	Garbage Truck Driver	Public Works	Retired	26 years, 10 months	30/04/90

Prepared 13/06/90



06/26/90

Appendix "B" as referred to in  
Section 19 of the NINETEENTH Report  
of the Finance and Administration  
Committee for 1990.

Contract Settlement between The Carpenters Employer Bargaining Agency and The Ontario Provincial Council, United Brotherhood of Carpenters and Joiners of America (Local 18, Hamilton)

The wages and related payments for regularly scheduled daytime hours for Journeymen Carpenters are as follows:

<u>Effective Date</u>	<u>Hourly Rate</u>	<u>Vacation Pay 4%</u>	<u>Holiday Pay 6%</u>	<u>Health and Welfare</u>	<u>Pension</u>	<u>S.U.B. Total</u>
May 1/90	\$24.04	\$2.40			\$2.60	\$29.04
May 1/91	\$25.40	\$2.54			\$2.60	\$30.54

Employer Contributions

Association Administration Fund - \$0.08

Training & Upgrading - \$0.05 Employee, \$0.05 Employer

Employee Deductions

Union Administration Fund - \$0.05

Carpenters Dues Trust Fund - \$0.35

Foreman Differential

May 1/90 - \$1.75

May 1/91 - \$2.00

Lead Hand

May 1/90 - \$1.00

May 1/91 - \$1.00

APPRENTICES

	<u>May 1/90</u>	<u>May 1/91</u>
1st six months - 40% of journeyman rate	\$ 9.62	\$10.16
2nd six months - 50% of journeyman rate	12.02	12.70
2nd year - 65% of journeyman rate	15.63	16.51
3rd year - 75% of journeyman rate	18.03	19.05
4th year - 85% of journeyman rate	20.43	21.59

Travel Expenses

Kilometers - May 1/90 - \$0.26      May 1/91 - \$0.28

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Contract Settlement between The Carpenters Employer Bargaining Agency and The Ontario Provincial Council, United Brotherhood of Carpenters and Joiners of America (Local 18, Hamilton)

The wages and related payments for regularly scheduled daytime hours for Drywall Workers is as follows:

<u>Effective Date</u>	<u>Hourly Rate</u>	<u>Vacation Pay 4%</u>	<u>Holiday Pay 6%</u>	<u>Health and Welfare</u>	<u>Pension</u>	<u>S.U.B.</u>	<u>Total</u>
May 1/90	\$24.04	\$2.40			\$2.60		\$29.04
May 1/91	\$25.40	\$2.54			\$2.60		\$30.54

Employer Contributions

Association Administration Fund - \$0.08

Training & Upgrading - \$0.05 Employee, \$0.05 Employer

Employee Deductions

Union Administration Fund - \$0.05

Carpenters Dues Trust Fund - \$0.35

Foreman Differential

May 1/90 - \$1.75

May 1/91 - \$2.00

Lead Hand

May 1/90 - \$1.00

May 1/91 - \$1.00

APPRENTICES

	<u>May 1/90</u>	<u>May 1/91</u>
1st 750 hours - 40% of journeyman rate	\$ 9.62	\$10.16
2nd 750 hours - 50% of journeyman rate	12.02	12.70
3rd 750 hours - 60% of journeyman rate	14.42	15.24
4th 750 hours - 70% of journeyman rate	16.83	17.78
5th 750 hours - 80% of journeyman rate	19.23	20.32
6th 750 hours - 90% of journeyman rate	21.64	22.86

Travel Expenses

Kilometers - May 1/90 - \$0.26      May 1/91 - \$0.28

-3-

Contract Settlement between The Carpenters Employer Bargaining Agency and The Ontario Provincial Council, United Brotherhood of Carpenters and Joiners of America (Local 18, Hamilton)

The wages and related payments for regularly scheduled daytime hours for Resilient Floor and Carpet Layers are as follows:

<u>Effective Date</u>	<u>Hourly Rate</u>	<u>Vacation Pay 4%</u>	<u>Holiday Pay 6%</u>	<u>Health and Welfare</u>	<u>Pension</u>	<u>S.U.B. Total</u>
May 1/90	\$22.06	\$2.21			\$2.60	\$26.87
May 1/91	\$23.43	\$2.34			\$2.60	\$28.37

Employer Contributions

Association Administration Fund - \$0.08

Training & Upgrading - \$0.05 Employee, \$0.05 Employer

Employee Deductions

Union Administration Fund - \$0.05

Carpenters Dues Trust Fund - \$0.35

Foreman Differential

May 1/90 - \$1.75

May 1/91 - \$2.00

Lead Hand

May 1/90 - \$1.00

May 1/91 - \$1.00

APPRENTICES

	<u>May 1/90</u>	<u>May 1/91</u>
1st six months - 40% of journeyman rate	\$ 8.82	\$ 9.37
2nd six months - 50% of journeyman rate	11.03	11.72
2nd year - 65% of journeyman rate	14.34	15.23
3rd year - 75% of journeyman rate	16.55	17.57
4th year - 85% of journeyman rate	18.75	19.92



THIS MEMORANDUM OF AGREEMENT MADE THIS 23rd DAY OF MAY, 1990

BETWEEN THE NEGOTIATING COMMITTEES OF:

THE CORPORATION OF THE CITY OF HAMILTON

AND

THE HAMILTON PROFESSIONAL FIRE FIGHTERS ASSOCIATION

- I The parties herein agree to the terms of this Memorandum of Agreement as constituting full settlement of all matters at issue between the parties.
- II The undersigned representatives of the parties agree to recommend, unanimously, acceptance of all the terms of this Memorandum to their respective principals.
- III The parties herein agree that the term of the Collective Agreement shall be January 1, 1990 to December 31, 1990.
- IV The parties agree that all provisions of the Collective Agreement covering the period January 1, 1989 to December 31, 1989 shall continue in effect as amended by the following provisions.
- V The Collective Agreement shall be amended in accordance with the following and such amendments shall become effective upon ratification by both parties whose appropriate officers have appended their signatures hereto, save and except where this Memorandum of Agreement specifically provides otherwise.

The following are the amendments referred to in item V above:

1. Article 4 - Hours of Employment

Delete Article 4.3 which reads as follows:

It is agreed and understood that the average number of hours worked per week as outlined under 4.1 (a) constitutes a forty (40) hour week and each and every employee covered by 4.1 (a) of this Agreement shall be required to work an average forty (40) hours per week.

2. Amend Article 5 - Overtime Compensation

(a) Amend Article 5.1 (a) as follows:

(a) Court time (see article 5.3)

(b) Add new Article 5.3 as follows:

An employee who is required to attend Court during off duty hours (as opposed to an extension of his/her regular scheduled hours as specified in Article 5.1) shall be paid at the rate of time and one-half (1/2) for such time in attendance with a four (4) hour minimum.

3. Amend Article 11 - Sick Leave, Pension, Group Medical, Dental & Hospitalization Plans & Group Life Insurance Plan By-Law 8223 as amended

11.1 (c) 11 (a)

Effective January 1, 1983, pension contributions paid by those members in the H.M.R.F. shall be adjusted to 6 1/2% of earnings up to the Y.M.P.E. as defined in the Canada Pension Plan and 8% of earnings above the Y.M.P.E. Such contributions shall be adjusted from time to time to reflect any changes that may occur in the O.M.E.R.S.' rates.

11.1 (c) 11 (b)

Effective January 1, 1990, all retired members of the H.M.R.F. will receive cost of living increases, in accordance with any such increases approved by the O.M.E.R.S. Board.

11.8 Increase vision care plan coverage to Two-hundred (\$200) dollars in any two consecutive calendar year effective upon ratification.

**Add new Article 11.13 as follows:**

The Employer will pay 100% of the cost for a deceased member's widow or widower and dependant children with the following coverage:

Blue Cross Extended Health  
Dental Plan

The exception to the foregoing are as follows:

- (a) Benefit coverage through another employer or
- (b) Benefit coverage through new spouse or
- (c) Widow/Widower attains the age of 65
- (d) Dependant children attain age 18
- (e) Dependant children attain age 25 if in attendance at school/university.

**4. Article 25 Amend as follows:**

Reflect a one (1) year agreement.

**5. Schedule "A" amend as follows:**

**(a) New Classification**

Amend Schedule "A" by creating a new classification C-10/A (mid-point between C-9/A and C-11/A) to include Divisional Chief of Administration; Communications Officer, and Supervisor of Vehicle and Equipment Repairs effective January 1, 1987.

**(b) Salary Increase**

Amend salaries effective January 1, 1990 by 3.0%.  
Amend salaries effective July 1, 1990 by 2.203%.

**(c) Salary Adjustments**

Salary schedule N-1/A to be 65% of C-5/A  
Salary schedule N-3/A to be 75% of C-5/A  
Salary schedule N-4/A to be 85% of C-5/A

These changes to be affective only to persons hired after date of ratification.



6. Schedule "B" Clothing amend as follows:

- (a) Add to Item 2 as follows:

NOTE: The members in the Fire Prevention Bureau may elect to be issued a bomber jacket in place of a rain coat.

- (b) Amend Item 6 as follows:

Each employee of the Fire Department required to wear safety shoes shall be given an allowance of Fifty (\$50) dollars per year for the purchase of such shoes under the following conditions:

- (a) the safety shoes purchased must meet the standards set by the Ontario Safety Council.

7. Schedule "E" Benefits - Coverage for Orthodontics amend as follows:

Increase maximum amount payable to Two Thousand and Five Hundred (\$2,500) dollars effective upon ratification.

ADD THE FOLLOWING LETTERS OF UNDERSTANDING:

LETTER OF UNDERSTANDING

The Employer agrees that 90 days after ratification to establish a joint Management/Association Committee to examine the concept of Sabbatical leave of absence and to make recommendations to both parties as to the feasibility of such leave and how it might be implemented.

LETTER OF UNDERSTANDING

The Employer and the Hamilton Professional Fire Fighters Association agree that 90 days after ratification a joint Management/Association Committee be set up to examine the issue of Physical Fitness.

LETTER OF UNDERSTANDING

The Employer and the Association agree to examine the issue of salary differential for officer ranks.

Signed in Hamilton this 23rd day of May, 1990

ON BEHALF OF THE UNION

*Paul Schull*  
*J. Henry Watson*  
*R. Brown*  
*Laurence J. J. J.*  
\_\_\_\_\_  
\_\_\_\_\_

ON BEHALF OF THE EMPLOYER

*John H. J.*  
*Ch. Baker*  
*R. A. W. J. J.*  
*Annie Helms*  
\_\_\_\_\_  
\_\_\_\_\_

COMPREHENSIVE AUDIT  
CITY CLERK'S DEPARTMENT  
LICENCE DIVISION

PURPOSE OF THE PROJECT

To examine through a Comprehensive Audit that the Licence Division of the City Clerk's Department is operating in accordance with the principles of good management in the public sector, namely:

that human, physical and financial resources are managed with due regard to economy, efficiency and effectiveness, and

that accountability relationships are satisfactorily served.

This comprehensive audit will examine management and financial controls, which includes information systems and reporting practices, and will make recommendations for any improvements.

This audit will evaluate the present operations of the Licence Division and will identify the means of improving the organizational structure, reporting relationships, operational procedures and cost effectiveness.

A legal review will be undertaken to determine whether or not the policies and procedures utilized by the Licence Division are in accordance with the statutory mandate and will, if deemed necessary, recommend alternative methods which could or should be utilized in the future.

The comprehensive audit and the results of a management plan will improve senior management's ability to plan and act strategically and will assist City Council in the decision making process.

SCOPE

The Licence Division of the City Clerk's Department requires the assistance and support of the Building, Fire, Health Inspection/Nursing, Police and Traffic Departments. The Licence Division also relies heavily on the services of the legal department which includes representing the City before the City of Hamilton Licensing Committee, drafting of legislation, representing the City in By-law Court protecting rights and providing legal opinions. These relationships referred to above should be examined taking into account the statutory requirements of the City of Hamilton Act, other Provincial Statutes, and the increasing importance of the role of licensing in Hamilton.

The study is to cover both the administrative and enforcement branches of the Division. This includes the inspection requirements and procedures carried out



by the Building, Fire, Health (Inspection and Nursing), Traffic and Police Departments, as they relate to the Licence Division.

The specific issues to be examined are:

- Administrative procedures, documentation, record keeping and financial monitoring within the Licence Division
- The need for clearly documented policies and procedures
- Organizational Structure, Staffing Complement, Training and Qualification
- Licence Inspection Programs in the Inspection Departments i.e. Building, Fire, Health, Traffic, Police and the Inter-relationship with the Licence Division
- The role and responsibility of the Licence Division as it relates to other responsibilities within the City Clerk's Department including:
  - Marriage Licence Processing
  - Smoking Control & Enforcement - Public Places & Workplace By-laws
  - LLBO Licensing
  - Fireworks Permits
  - Tag Days
  - Street Vendors Program
  - Mud Tracking Enforcement
  - Sales of By-laws & City Publications
  - City Tenders
  - Municipal Elections
  - Counter Services of the City Clerk's Department
  - Second Level Lodging Houses
- Licence Inspection Procedures within the Division
- The desired level of enforcement and the ability of the Licence Division to conform to the standard
- Adequacy of Licence fees in relation to the administration and enforcement requirements
- Role of the Legal Department in relation to providing advice to the Licensing Committee
- Role of the Legal Department representing the Licence Division as one of the parties to a hearing
- Role of the Committee Secretary to the City of Hamilton Licensing Committee and the relationship with the Licence Division
- The reporting relationship of the Licence Division Manager to Committee(s) of Council

- The City of Hamilton Act as it relates to the authority which empowers the Licensing Committee to issue, renew and transfer licences
- The City of Hamilton Act as it relates to the authority which empowers City Council to suspend, revoke or deny licences
- Membership and Composition of the Licensing Committee
- The role of the Licensing Committee respecting non-licence issues and its relationship to the Finance and Administration Committee and City Council
- The procedure for weekly approval and issuance of licences
- Any other issues identified throughout the auditing process.

1990 June 14

\* REPORT OF THE NOMINATING COMMITTEE

To the Council of The Corporation of the City of  
Hamilton.

Members of Council.

The Nominating Committee presents its **SECOND**  
Report for the year 1990 and respectfully recommends:

1. The appointment of Susan Andrews to the Hamilton  
Public Library Board. Term of office expires  
November 30, 1991.

This appointment fills the unexpired term of Mr.  
A. Kuszczak.

Respectfully submitted,

June 26, 1990.

ALDERMAN D. ROSS,  
ACTING CHAIRMAN.

\* *Report added during City Council*





URBAN MUNICIPAL

MEETING OF HAMILTON CITY COUNCIL (minutes)  
TUESDAY, JULY 31, 1990  
7.30 O'CLOCK, P.M.

URBAN MUNICIPAL

OCT 17 1990

The Council met.

GOVERNMENT DOCUMENTS

PRESENT: Robert M. Morrow, Esq., Mayor

Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson,  
Agostino, Smith, Jackson, Merling, Gallagher, Ross, Murray.

ABSENT: Alderman Cooke (Vacation)  
Alderman Lombardo (Vacation)

His Worship Mayor Robert M. Morrow called the meeting to order.

Father Steve Stojisavljevic, St. Nicholas Serbian Church, led the Council in prayer.

\* \* \* \* \*

His Worship Mayor Robert M. Morrow read a Proclamation proclaiming the month of August as "The Harriet Tubman Building Fund Appeal Month".

\* \* \* \* \*

Civic rings were presented to members of the Mohawk Mountaineers Men's Soccer Club in recognition of their winning the 1989 Canadian Colleges Athletic Association National Men's Soccer Championships held at the Southern Alberta Institute of Technology November 9-11, 1989.

\* \* \* \* \*

The minutes of the meeting of June 26, 1990, were taken as read and approved.

\* \* \* \* \*

The following communications were received:

1. Resolution dated July 4, 1990, from The Corporation of the City of Chatham, re "Use of Nonrefillable Containers. Referred to the Transport and Environment Committee.
2. Resolution dated July 16, 1990, from The Corporation of the City of Burlington, expressing opposition to the proposed establishment of the Property Assessment Corporation. Referred to the Finance and Administration Committee.
3. Resolution dated July 4, 1990, from The Regional Municipality of Halton, re National Packaging Protocol (NAPP). Referred to the Transport and Environment Committee.
4. Letter dated July 27, 1990, from Mr. C. G. Furry, Secretary, The Hamilton Harbour Commissioners, 605 James St. North, Hamilton, Ontario, re funding for the Windermere Basin clean-up project. Referred to a Joint Meeting of the Transport and Environment and Planning and Development Committees.
5. Letter dated July 12, 1990, from Mr. K. E. Avery, City Clerk, advising objection received to By-law Number 90-163 respecting property on the north-west corner of James Street North and Vine Street. Received.
6. Letter dated July 9, 1990, from Mr. K. E. Avery, City Clerk, advising objections received to By-law Number 90-166 respecting property at 286 Sanford Avenue North. Received.
7. Application dated July 23, 1990, from Vorelco Limited, 1940 Eglinton Avenue East, Scarborough, Ontario, for a change in zoning, property located at 1209-1223 Upper James Street. Received.
8. Application dated June 29, 1990, from Alfrin Enterprises Corporation, 720 Main Street East, Hamilton, Ontario, for a change in zoning, property located at 73 Garfield Avenue South. Received.



9. Application dated July 18, 1990, from 662016 Ontario Limited, c.o.b. as Bayfield Green Development Company, 365 Bloor St. East, #1906, Toronto, Ontario, for a change in zoning, property located at 1471 Upper James Street. Received.

10. Application dated July 18, 1990, from Good Shepherds Non Profit Homes Inc., 412 Queen St. East, Toronto, Ontario, for a change in zoning, property located at 31, 33 and 35 Aikman Avenue.

Received.

11. Application dated July 23, 1990, from Salci Developments, 11 Bing Crescent, Stoney Creek, Ontario, for a change in zoning, property located between Upper Sherman Avenue and Acadia Drive. Received.

\* \* \* \* \*

It was moved by Alderman Merling and seconded by Alderman Jackson.

RESOLVED: That Rule Number 8 of Procedural By-law No. 82203 be invoked for this meeting of City Council in order to consider a resolution regarding the Philippine and Iranian earthquake victims funds. -

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Merling and seconded by Alderman Jackson.

RESOLVED: that the Council of The Corporation of the City of Hamilton make a contribution towards the Philippine and Iranian earthquake victims, in the amount of \$1000. to each relief fund, or the equivalent in goods. -

**Recorded Votes:**

(a) Philippine Earthquake Fund.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Gallagher, Murray. - 13.

NAYS: Aldermen McCulloch, Ross. - 2. CARRIED.

## (b) Iranian Earthquake Fund.

YEAS; Aldermen Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Gallagher. - 11.

NAYS: Mayor Morrow; Aldermen McCulloch, Ross, Murray. - 4. CARRIED.

\* \* \* \* \*

It was moved by Alderman Kiss and seconded by Alderman Agro, that Council move into Committee of the Whole on the Reports, with Alderman Murray in the chair. -

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

\* \* \* \* \*

(A) TRANSPORT AND ENVIRONMENT COMMITTEE - TENTH REPORT.

Section 3. Re: Transfer of Planning and Administration of City Roads and Sidewalk Reconstruction Programs to the City.

It was moved by Alderman Merling and seconded by Alderman Jackson.

RESOLVED: that Section 3 of the Tenth Report of the Transport and Environment Committee be amended by adding the following thereto as Subsection (f):

(f) That this resolution be referred to the Hamilton-Wentworth Regional Council for its consideration.  
CARRIED.

\* \* \* \* \*

Section 12. Re: Construction of Independent Concrete Sidewalks at Various Locations.

It was moved by Alderman Merling and seconded by Alderman Gallagher.

RESOLVED: that Subsection (a) of Section 12 of the Tenth Report of the Transport and Environment Committee be amended as follows:

- (a) That the figures \$27,657.63, representing the City's share, be deleted and replaced with the following figures \$33,900.51.
- (b) That the figures \$92,568.00, representing the Owner's share, be deleted and replaced with the following figures \$86,325.12. - CARRIED.

\* \* \* \* \*

(B) PARKS AND RECREATION COMMITTEE - FOURTEENTH REPORT.

Section 7. Re: Permission to Sell Beer at a Special Event in Globe Park.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Merling, Gallagher, Ross, Murray. - 13.

NAYS: Aldermen Smith, Jackson. - 2. CARRIED.

\* \* \* \* \*

Section 8. Re: Permission to Serve Food and Alcoholic Beverages at a Special Event in Dundurn Park.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Merling, Gallagher, Ross, Murray. - 13.

NAYS: Aldermen Smith, Jackson. - 2. CARRIED.

\* \* \* \* \*



Section 9. Re: Permission to Sell Beer at a Special Event  
in Globe Park.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley,  
Drury, Copps, Christopherson, Agostino, Merling, Gallagher,  
Ross, Murray. - 13.

NAYS: Aldermen Smith, Jackson. - 2. CARRIED.

\* \* \* \* \*

Section 11. Re: Permission to Sell Food and Beer at Bernie  
Arbour Stadium at Hamilton Redbirds Baseball  
Games.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley,  
Drury, Copps, Christopherson, Agostino, Merling, Gallagher,  
Ross, Murray. - 13.

NAYS: Aldermen Smith, Jackson. - 2. CARRIED.

\* \* \* \* \*

Section 12, Subsection (b). Re: Acquisition of Road Allowance  
from Chedoke Health  
Corporation.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, McCulloch, Hinkley, Drury,  
Christopherson, Agostino, Smith, Jackson, Gallagher, Ross,  
Murray. - 12.

NAYS: Alderman Copps. - 1. CARRIED.

\* \* \* \* \*

Section 12, Subsection (e). Re: Preparation of Plans and  
Method of Financing for  
Proposed Arena.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen McCulloch, Hinkley, Drury,  
Christopherson, Agostino, Smith, Jackson, Gallagher, Ross,  
Murray. - 11.

NAYS: Aldermen Kiss, Copps. - 2. CARRIED.

\* \* \* \* \*

(C) PLANNING AND DEVELOPMENT COMMITTEE - THIRTEENTH REPORT.

Section 9, Subsection (c). Re: Dismissal of Action Against  
D. B. Savage Industrial Sales  
Limited.

It was moved by Alderman Smith and seconded by Alderman Jackson.

RESOLVED: that Section 9 of the Thirteenth Report for 1990 of  
the Planning and Development Committee be amended by  
deleting Subsection (c) and substituting in lieu  
thereof the following:

"(c) (i) That D. B. Savage execute a Full and  
Final Release in favour of the City in a  
form satisfactory to the City Solicitor.

(ii) That Minutes of Settlement be executed  
between the City and D. B. Savage reflecting  
the terms above and allowing for an Order  
dismissing the action upon completion of  
settlement." - CARRIED.

\* \* \* \* \*

Section 11. Re: Commonwealth Square and Summers' Lane Ad-Hoc  
Committee.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, McCulloch, Hinkley, Drury,  
Copps, Christopherson, Agostino, Smith, Jackson,  
Gallagher. - 11.

NAYS: Aldermen Ross, Murray. - 2. CARRIED.

(C) PLANNING AND DEVELOPMENT COMMITTEE - FOURTEENTH REPORT.

\* \* \* \* \*

(D) HIS WORSHIP MAYOR ROBERT M. MORROW - THIRD REPORT.

\* \* \* \* \*

(H) FINANCE AND ADMINISTRATION COMMITTEE - TWENTIETH REPORT.

Section 10. Re: Request of TV Ontario to Fly the TV Ontario  
Flag at City Hall.

Recorded Vote.

YEAS: Mayor Morrow; Aldermen Kiss, McCulloch, Hinkley, Drury,  
Christopherson, Agostino, Smith, Jackson, Gallagher, Ross,  
Murray. - 12.

NAYS: Alderman Copps. - 1. CARRIED.

\* \* \* \* \*

Section 15, Subsection (a). Re: Authorization to Make Applica-  
tion to the Ontario Municipal  
Board for Construction of  
Independent Concrete Sidewalks  
on Upper Paradise Road.

It was moved by Alderman Hinkley and seconded by Alderman  
McCulloch.

RESOLVED: that Subsection (a) of Section 15 of the Twentieth  
Report of the Finance and Administration Committee be  
amended as follows:

(a) That the figures \$27,657.63, representing the  
City's share, be deleted and replaced with the  
following figures \$33,900.51.

(b) That the figures \$92,568.00, representing the  
Owner's share, be deleted and replaced with the  
following figures \$86,325.12. - CARRIED.

\* \* \* \* \*



**Section 20. Re: Appointment of a Strategic Plan Task Force.**

**Recorded Vote.**

YEAS: Mayor Morrow; Aldermen Agro, McCulloch, Hinkley, Drury, Christopherson, Agostino, Smith, Jackson, Merling, Ross. - 11.

NAYS: Aldermen Kiss, Copps, Murray. - 3. CARRIED.

\* \* \* \* \*

**Section 25. Re: Strategies to Improve Representation of Visible Minorities on Citizen Committees, Boards and Committees.**

It was moved by Alderman Copps and seconded by Alderman Agostino.

RESOLVED: that Section 25 of the Twentieth Report of the Finance and Administration Committee be amended by deleting the words "handicapped persons", wherever they appear, and substituting in lieu thereof the words "persons with disabilities." - CARRIED.

**Recorded Vote on Subsection (a).**

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling. - 12.

NAYS: Aldermen Gallagher, Ross, Murray. 3. CARRIED.

**Recorded Vote on Subsection (b).**

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Ross, Murray. - 14.

NAYS: Alderman Gallagher. - 1. CARRIED.

**Recorded Vote on Subsection (c).**

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Lombardo, Smith, Jackson, Merling. - 12.

NAYS: Aldermen Gallagher, Ross, Murray. - 3. CARRIED.

**Recorded Vote on Subsection (d).**

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Ross, Murray. - 14.

NAYS: Alderman Gallagher. - 1. CARRIED.

**Recorded Vote on Subsection (e).**

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Murray. - 13.

NAYS: Aldermen Gallagher, Ross. - 2. CARRIED.

**Recorded Vote on Subsection (f).**

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Ross, Murray. - 14.

NAYS: Alderman Gallagher. - 1. CARRIED.

**Recorded Vote on Subsection (g).**

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Murray. - 13.

NAYS: Aldermen Gallagher, Ross. - 2. CARRIED.

**Recorded Vote on Subsection (h).**

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Ross, Murray. - 14.

NAYS: Alderman Gallagher. - 1. CARRIED.

**Recorded Vote on Subsection (i).**

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Ross, Murray. - 14.

NAYS: Alderman Gallagher. - 1. CARRIED.

Recorded Vote on Subsection (j).

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Ross, Murray. - 14.

NAYS: Alderman Gallagher. - 1. CARRIED

\* \* \* \* \*

Section 43. Re: Canadian Content in all City Projects.

It was moved by Alderman Merling and seconded by Alderman Jackson.

RESOLVED: that the following be added as Section 43 of the Twentieth Report of the Finance and Administration Committee.

"43. That staff be authorized and directed to develop a policy to require the inclusion of Canadian Content, as well as local suppliers and labour, in all City projects, wherever possible and feasible, for consideration of the Finance and Administration Committee." CARRIED.

\* \* \* \* \*

It was moved by Alderman Kiss and seconded by Alderman Agro.

RESOLVED: that Alderman T. Cooke be appointed Acting Mayor for the month of August, 1990. - CARRIED.

\* \* \* \* \*

It was moved by Alderman Kiss and seconded by Alderman Agro.

RESOLVED: that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted. -

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Ross, Murray. - 14.

NAYS: 0. - CARRIED.



It was moved by Alderman Hinkley and seconded by Alderman Copps.

- RESOLVED: (a) That the City Solicitor be directed to draft a By-law that provides for a fine of a maximum of \$10,000. on any person who, without obtaining the necessary approvals, removes a healthy tree from any public lands under the City's jurisdiction or control.
- (b) That no healthy tree shall be removed from any City public lands due to any proposed works without first receiving prior approval of the appropriate Standing Committee and City Council.
- (c) That the Planning and Development Committee be directed to include in all development applications a report on the number of healthy trees affected by the development and the measures recommended to protect, replace or mitigate against damage to existing trees.
- (d) Should any City Department Head, Supervisor, or employee, direct or be responsible for the removal of any healthy tree on public property, without first receiving the required political approval, be subject to disciplinary action.

\* \* \* \* \*

It was moved by Alderman Ross and seconded by Alderman Jackson.

- RESOLVED: that the resolution of Alderman Hinkley regarding trees be referred to staff for the preparation of an appropriate By-law for subsequent referral to the Transport and Environment Committee, with the request that a public meeting be held to receive and consider input on the proposed By-law for submission to City Council through the Transport and Environment Committee. - CARRIED.

\* \* \* \* \*

It was moved by Alderman Kiss and seconded by Alderman Agro.

- RESOLVED: that the following Bills be now read a first time.

A-100, A-101, A-102, A-103, A-104, A-105, A-106, A-107, A-108,  
A-109, A-110, A-111, A-112, A-113, A-114,  
C-100, C-101, C-102, C-103, C-104, C-105, C-106, C-107, C-108,  
C-109, C-110, C-111, C-112, C-113, C-114, C-115, C-116, C-117,  
C-118, C-119, C-120,  
H-100, H-101.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Jackson, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Kiss, seconded by Alderman Agro, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Murray in the chair.

A-100, A-101, A-102, A-103, A-104, A-105, A-106, A-107, A-108, A-109, A-110, A-111, A-112, A-113, A-114,  
C-100, C-101, C-102, C-103, C-104, C-105, C-106, C-107, C-108, C-109, C-110, C-111, C-112, C-113, C-114, C-115, C-116, C-117, C-118, C-119, C-120,  
H-100, H-101.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Jackson, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

\* \* \* \* \*

Consideration of the Bills (second reading).

\* \* \* \* \*

It was moved by Alderman Kiss and seconded by Alderman Agro.

RESOLVED: that the Report of the Committee of the Whole (second reading) on the Bills, be adopted. -

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Jackson, Ross, Murray. - 12.

NAYS: 0 - CARRIED.

\* \* \* \* \*

It was moved by Alderman Kiss and seconded by Alderman Agro.

RESOLVED; that the following Bills be now read a third time:

A-100, A-101, A-102, A-103, A-104, A-105, A-106, A-107,  
A-108, A-109, A-110, A-111, A-112, A-113, A-114,  
C-100, C-101, C-102, C-103, C-104, C-105, C-106, C-107,  
C-108, C-109, C-110, C-111, C-112, C-113, C-114, C-115,  
C-116, C-117, C-118, C-119, C-120,  
H-100, H-101.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Drury,  
Copp, Christopherson, Agostino, Jackson, Ross, Murray. - 12.

NAYS: 0. CARRIED.

\* \* \* \* \*

City Council adjourned at 11.15 o'clock, p.m.

\* \* \* \* \*



REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its TENTH Report for 1990 and respectfully recommends:

1.       (a)   That a permit parking regulation be implemented on the west side of Railway Street from a point 156' north of Cannon Street to the northerly end;
- (b)   That stopping be prohibited on the east side of Railway Street from Cannon Street to the northerly end;
- (c)   That By-law No. 89-72 be amended accordingly.
- (d)   That negotiations be initiated with the President of Crescent Oil Company of Canada, to investigate the possibility of relocating the business in order to address the issue of a commercial use within a residential area.
2.       (a)   That the subdivider be exempted from installing sidewalks on the west side of Grays Road in the Lake Park Pointe Subdivision Plan M-449.
- (b)   That if the owners of the lots on Grays Road petition the City of Hamilton to construct sidewalks within five (5) years of the date of the exemption by Council, then the subdivider shall pay 100% of all costs (both the City's share and the Owner's share) of the construction of the sidewalks under the Local Improvement Act.

3.
  - (a) That the planning and administration of the City Roads and Sidewalk Reconstruction Programs be returned to the City Public Works Department including the current vacant position of the Planning Engineer.
  - (b) That the Director of Public Works report directly to the Engineering Services Committee similar to the Director of Traffic Services.
  - (c) That a staff report be prepared on the merger of City and Regional Fleet Services.
  - (d) That due to City Council approval of the integration of the Legislative, By-law Enforcement and School Traffic sections, the Traffic Department remain intact as a City Department.
  - (e) That in accordance with Recommendation (d), the proposed name "Roads and Traffic Department" be changed to "Roads Department" or "Transportation Department".
  - \* (f) That this resolution be referred to the Hamilton-Wentworth Regional Council for its consideration and approval.
4. That an Option to Purchase executed by Fiorina Merone on June 20, 1990 and scheduled for closing on or before September 24, 1990 for the purchase of part of the property at 106 Fieldway Drive required by the City for the extension of Fieldway Drive from Fieldway Drive to Millwood Place, be approved and completed.

**NOTE:** The subject property contains 8,302.72 square feet (772.9 square metres) and is shown as Parts 1 and 2 on Plan 62R-11054. Consideration in the amount of \$1.00 has been paid to the owners and forms part of the purchase price. The purchase price of \$2.00 is to be charged to Account No. CF5698 528946015.

5. That a purchase order be issued to Acme Sign Blanks, Etobicoke, for the supply and delivery of Sign Blanks as and when required during 1990 for the Traffic Department in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, as follows:

900mm	x	424mm	x	0.125	\$	46.51	each
900mm	x	373mm	x	0.125		43.66	each
30cm	x	45cm	x	.081		7.99	each
75cm	x	75cm	x	.081		19.90	each
90cm	x	90cm	x	.081		33.60	each

**NOTE:** Lowest of two (2) tenders received. Funds provided in Traffic Sign Materials Account No. CH56154 75999.

\* *Section 3(f) added during Council*

6. That a purchase order be issued to Rantex Brushes Inc., Barrie, Ontario to supply broom stock for street sweepers at the following unit prices:

Pickup Brooms	\$ 379.00
Quick Change Gutter Brooms	90.00
Straight Wire Sections	10.04 and
Poly Sections	7.34
plus 8% O.S.T.	

In accordance with specifications issued by the Manager of Purchasing and Vendor's Tender

**NOTE:** Lowest acceptable tender of three received. Funds provided in Automotive Parts Account No. CH56702 64105.

7. That a purchase order be issued to Blenkhorn & Sawle Limited, Hamilton for the supply and installation of a Heated Air Return System for a total cost of \$49,072.00 plus a \$5,000.00 contingency, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

**NOTE:** Lowest acceptable tender of three received. Funds provided in Fleet Services Renovation and Ventilation Account No. CF5200 649041012.

8. That the local Approvals Branch of the Ministry of the Environment (M.O.E.) be informed that:

- (a) The City of Hamilton has reviewed the Hotz and Sons formal application to the M.O.E. for a Certificate of Approval to operate a Transfer and Materials Recovery Station at 245 Lottridge Street in Hamilton, and have determined that all operational conditions specified in their detailed submission are generally in keeping with local requirements, with the exception of a number of technical issues identified by City of Hamilton and Regional staff, and should be recognized as part of the City's response to the Ministry;
- (b) The City of Hamilton will provide favourable support to the proponent's application provided that Hotz and Sons takes remedial actions to satisfy the operational requirements identified by staff, and that Hotz and Sons complies with the following four (4) conditions detailed in their April 23, 1990 correspondence to the Region in which they detail specific waste tonnage delivery limitations:



- (i) Hotz and Sons will not increase the percentage of tonnage being sent to the transfer stations;
  - (ii) Hotz and Sons will accept a tonnage level, established by the Region;
  - (iii) Hotz and Sons will send only incinerable waste (as defined by the Region) to the transfer stations;
  - (iv) Hotz and Sons will not send any waste from its' transfer station to Hamilton-Wentworth transfer stations.
- (c) The City of Hamilton concurs with the Ministry of the Environment's position that "a hearing by the Environmental Assessment Board under the Environmental Protection Act is not warranted".
9. (a) That the City lands be incorporated into the various streets as noted in Schedule "A", appended hereto.
- (b) That the By-laws to carry out the incorporation of the said lands into the foregoing streets be enacted by City Council.
- (c) That the Commissioner of Engineering be authorized and directed to register the By-laws.
10. (a) That the action of the Commissioner of Engineering in authorizing the application of the Concession Street B.I.A. to temporarily close Summit Street between Concession Street and Mountain Park Drive on Saturday July 14, 1990 from 9:00 a.m. to 4:00 p.m. to hold a sidewalk sale, be approved, subject to the following conditions:
- (i) That the applicant receive a "Temporary Street Closure Application" approval from the Regional Police Department, Traffic Division, and that all barricading, detour signing and traffic control be subject to the direction of the Regional Police Department, and at the expense of the organizing group;
  - (ii) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department if deemed appropriate on the affected roadways, at the expense of the organizing group;

- (iii) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the roads, at no cost to the Region;
- (iv) That the applicant provide proof of \$2,000,000.00 public liability insurance, naming the City as an added insured party with a provision for cross liability, and holding the Region harmless from all actions, causes of actions, interest, claims, demands, costs, damages, expenses and loss;
- (v) That the applicant reimburse the Regional Police Department, Regional Engineering Department, City of Hamilton Traffic Department and any other agency for any costs incurred by these agencies as a result of this event;
- (vi) That no property owner or resident within the barricaded area be denied access to their property if requested.
- (vii) That all property owners and tenants along the closed portion of the route be notified of the closures by the applicant at least three weeks prior to the event in a form acceptable to the Commissioner of Engineering.

11. That the following City Streets be closed from 10:00 a.m. to 2:00 p.m. on Friday, September 28, 1990, in order that Hollis Communications Inc. may hold a bicycle race:

- (i) Hess Street between Main Street and Hunter Street
- (ii) Caroline Street between Main Street and Hunter Street
- (iii) MacNab Street between King Street and Hunter Street
- (iv) Hughson Street between Main Street and Hunter Street
- (v) Catharine Street between Main Street and Hunter Street
- (vi) Walnut Street between Main Street and Hunter Street
- (vii) Hunter Street from Queen Street to Walnut Street

during the pleasure of City Council provided:

- (a) That Council of the Region of Hamilton-Wentworth approve the proposal;

- (b) That the applicant receive "Temporary Street Closure Application" approval from the Regional Police Department, Traffic Division, and that all barricading, detour signing and traffic control be subject to the direction of the Regional Police Department, and at the expense of the organizing group;
- (c) That temporary road closure signs be installed in advance by the City of Hamilton Traffic Department if deemed appropriate on the affected roadways, at the expense of the organizing group;
- (d) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the roads, at no cost to the City;
- (e) That the applicant provide proof of \$2,000,000.00 public liability insurance, naming the City as an added insured party with a provision for cross liability, and holding the City harmless from all actions, causes of actions, interests, claims, demands, costs, damages, expenses and loss;
- (f) That the applicant reimburse the Regional Police Department, Regional Engineering Department, City of Hamilton Traffic Department and any other agency for any costs incurred by these agencies as a result of this event;
- (g) That no property owner or resident within the barricaded area be denied access to their property upon request; however no vehicular traffic will be permitted on the race course between 10:00 a.m. to 2:00 p.m. on the race day.
- (h) That all property owners and tenants along the closed portion of the route be notified of the closure by the applicant at least three weeks prior to the event in a form acceptable to the Commissioner of Engineering.

- \*12. (a) That subject to funding, the construction of independent concrete sidewalks at the following locations be proceeded with as a local improvement pursuant to Section 12 of the Local Improvement Act, at an estimated gross cost of \$120,225.63 as provided for in the 1990 portion of the 1990 - 1994 Capital Budget as Project No. 041-30000 - City share (\$27,657.63) and Project No. 210-30000 - Owner's share (\$92,568.00), be approved.

- (i) Upper Paradise Road, east side, from Stone Church Road West to Gemini Drive;

\* *First paragraph of Section 12(a) amended to read:*

*That subject to funding, the construction of independent concrete sidewalks at the following locations be proceeded with as a local improvement pursuant to Section 12 of the Local Improvement Act, at an estimated gross cost of \$120,225.63 as provided for in the 1990 portion of the 1990 - 1994 Capital Budget as Project No. 041-30000 - City share (\$33,900.51) and Project No. 210-30000 - Owner's share (\$86,325.12), be approved.*



- (ii) Upper Paradise Road, west side, from approximately 80 metres north of Stone Church Road West to approximately 130 metres north of Stone Church Road West;
  - (iii) Upper Paradise Road, east side, from approximately 30 metres north of Gemini Drive to approximately 105 metres north of Gemini Drive;
  - (iv) Upper Paradise Road, west side, from approximately 40 metres north of Novoco Drive to approximately 85 metres south of Trevi Road;
  - (v) Upper Paradise Road, east side, from approximately 45 metres south of Greenshire Drive to Greenshire Drive;
  - (vi) Upper Paradise Road, west side, from the south limit to the north limit of 726 Upper Paradise Road;
  - (vii) Upper Paradise Road, west side, from the south limit to the north limit of 716 Upper Paradise Road;
  - (viii) Upper Paradise Road, west side, from Gosford Drive to approximately 125 metres north of Gosford Drive;
  - (ix) Upper Paradise Road, east and west side, between the limits of the Freeway Lands;
  - (x) Upper Paradise Road, east side, from the south limit of 635 Upper Paradise Road to 29 metres south of the north limit of 615 Upper Paradise Road;
  - (xi) Upper Paradise Road, west side, from the north limit of the Freeway Lands to the south limit of 632 Upper Paradise Road; and
  - (xii) Upper Paradise Road, west side, from 115 metres north of Hadeland Avenue to a point 190 metres north of Hadeland Avenue.
- 
- (b) That the Finance and Administration Committee be requested to recommend a source of funds for this Capital Project.
  - (c) That the Commissioner of Engineering be authorized to construct these works on behalf of the City of Hamilton, once all the necessary approvals have been received; and,
  - (d) That the City Clerk and City Treasurer be directed to give the necessary notice of the Council's intention to undertake these works.

13. (a) That the decorative light fixtures on John and Hughson Streets within the Downtown Core be replaced at a total cost to the City of twenty-seven thousand, four hundred and seventy-one dollars and fifty cents (\$27,471.50) to be funded from Account No. 52045 56325 (Street Lighting Electrical Services), 1990 Current Budget.  
  
(b) That the Acting Commissioner of Engineering be authorized to issue a purchase order to Weinmann Electric Limited from Fort Erie, Ontario in the amount of twenty-seven thousand, four hundred and seventy-one dollars and fifty cents (\$27,471.50) to complete this work.
14. That the curb at the north-east corner of MacNab Street and York Boulevard be altered to permit two-way operation of MacNab Street, and that the Commissioner of Engineering be authorized to undertake this work at an estimated cost of \$15,000.00 as part of the 1990 Reconstruction Programme.
15. That the Chairman or his designate be authorized to attend the Water Pollution Control Federation Conference to take place on October 7 to October 11, 1990 in Washington, D.C.
16. (a) That the existing residential boulevard parking agreement registered as Instrument No. 333446 C.D. to the property at No. 80 Somerset Avenue be discharged, at the property owner's expense; and  
  
(b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement.
17. (a) That a school crossing guard be assigned to the intersection of Locke Street North and Peter Street; and  
  
(b) That the summer school crossing guard at the intersection of Locke Street and Napier Street relocated to the intersection of Locke Street and Peter Street for the summer of 1991.

18.     (a)    That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the north side of Ravenbury Drive which commences five feet east of the extended curb line of Rama Court and extends to a point 80 feet easterly therefrom be relocated such that the regulation commences 37 feet east of the extended curb line of Rama Court and extends to a point 80 feet easterly therefrom; and
- (b)    That the City Traffic By-law No. 89-72 be amended accordingly.
19.     (a)    That Chatham Street be designated as a truck route between Dundurn Street and Frid Street; and
- (b)    That the Frid Street be designated as a truck route from Chatham Street to Main Street West; and
- (c)    That the City Traffic By-law No. 89-72 be amended accordingly.
20.     (a)    That a taxi stand to be in effect from 7:00 a.m. to 6:00 p.m., Monday to Saturday, be implemented on the east side of East 36th Street commencing at a point 158 feet north of Munn Street and extending to a point 44 feet northerly therefrom; and
- (b)    That the City Traffic By-law No. 89-72 be amended accordingly.
21.     (a)    That the application by Dismatsek Holdings Inc. to lease a portion of the boulevard of Melbourne Street adjacent to 190 Locke Street South be approved, provided that:
  - (i)       The applicant pays the annual fee in accordance with the fee structure approved by the City Council on March 25, 1986 (current rate is \$106.70 per year) plus taxes, if any, in addition to the \$10.00 encroachment insurance charge approved by the City Council on February 14, 1984.
  - (ii)      The owner pays a one time \$25.00 registration fee, as approved by the City Council on January 14, 1986.



- (iii) The owner pays a one time \$160.05 processing fee, as approved by the City Council on March 27, 1990.
  - (iv) The owner complies with the requirements as set out in the policy approved by the City Council on June 24, 1975 respecting using a portion of the road allowance for parking purposes.
  - (v) The parking area be constructed and maintained at the owner's expense.
  - (vi) The owner executes an agreement satisfactory to the City Solicitor, to indemnify and save the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss.
22. That \$35 000.00 from the 1990 City Road Reconstruction Program Budget be redirected to the installation of a traffic signal on Limeridge Road at St. Jerome's School.
23. (a) That the application of the North End Children's Centre Inc., owner of 75 Hillyard Street to construct and maintain an encroachment consisting of a wheelchair ramp and existing steps be approved during the pleasure of City Council provided:
- (i) That a first year fee of \$131.00 and subsequent annual fee of \$12.00 be set for this privilege.
  - (ii) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement this agreement.
- (b) That the existing boulevard parking agreement be discharged, at the property owner's expense, and that the City Solicitor be directed to prepare the necessary documents; and
- (c) That the owner be permitted to execute a revised boulevard parking agreement, provided that:

- (i) The applicant pays the annual fee in accordance with the fee structure approved by the City Council on March 25, 1986 (current rate is \$106.70) plus taxes, if any, in addition to the \$10.00 attachment insurance charge approved by the City Council on February 14, 1984.
  - (ii) The owner pays a one time \$25.00 registration fee, as approved by the City Council on January 14, 1986.
  - (iii) The owner pays a one time \$106.05 processing fee, as approved by the City Council on March 27, 1990.
  - (iv) The owner complies with the requirements as set out in the policy approved by the City Council on June 24, 1975 respecting using a portion of road allowance for parking purposes.
  - (v) The parking area be constructed and maintained at the owner's expense.
- (d) The owner executes agreements satisfactory to the City Solicitor, to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.

24. That the City Traffic By-law No. 89-72 be amended to provide for the following:

- (a) That parking be prohibited on the east side of Belview Avenue commencing at a point 276 feet south of Barton Street and extending to a point 128 feet southerly therefrom.
- (b) That parking be prohibited on the east side of Upper Sherman Avenue from Mountain Park Avenue to a point 84 feet southerly therefrom.
- (c) That a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation be implemented on the south side of Forest Avenue between Wellington Street and Aurora Street.

- (d) That parking be prohibited on the west side of Elora Drive from Elmira Drive to a point 123 feet northerly therefrom.
- (e)
  - (i) That a "Permit Parking" regulation be implemented on the east side of Springer Avenue between Maplewood Avenue and Main Street East; and
  - (ii) That the Director of Traffic Services be authorized to issue one parking permit, upon request, to eligible applicants residing in numbers 17, 21, 23, 25, 31 and 33 Springer and one parking permit to 87 Maplewood Avenue, and two parking permits to the resident and 29 Springer; and
  - (iii) That in the future, if parking permits are available, the Director of Traffic Services be authorized to redistribute parking permits to other eligible applicants residing in the block, on a first come first served basis, provided that the maximum of 10 permits is not exceeded.
- (f) That, a "One Hour Parking Time Limit" regulation to be in effect 24 hours a day, seven days a week, be implemented on both sides of the Moxley Drive between Gatineau Drive and Rideau Crescent.
- (g) That a "Two Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the east side of Hillyard Street commencing at the north end and extending to a point 296 feet southerly therefrom.
- (h) That, in combination with the existing "Alternate Side Parking" regulation, a "One Hour Parking Time Limit, 8 a.m. to 6 p.m., Monday to Friday" regulation be implemented on both sides of Normandy Road between Auburn Avenue and Rodgers Road.
- (i) That a "Three Hour Parking Time Limit, 24 hours a day, seven days a week" regulation be implemented on the north side of Canada Street between Ray Street and Pearl Street.
- (j) That the existing "No Parking 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation on the west side of Hummingbird Lane between Skylark Drive and Bobolink Road be removed.



- (k) That a "Three Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the west side of James Street North between Burlington Street and Guise Street.
- (l) (i) That the existing "Alternate Side Parking" regulation on Holton Avenue South between Cumberland Avenue and the south end be removed; and  
(ii) The parking be prohibited on the east side of Holton Avenue South between Cumberland Avenue and the south end.
- (m) That parking be prohibited on the east side of East 43rd Street between Deer Avenue and Queensdale Avenue East.
- (n) That parking be prohibited on the east side of East 22nd Street from Fennell Avenue to a point 222 feet southerly therefrom.
- (o) That the existing "No Parking, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation on both sides of West 35th Street between Bendamere Avenue and the south end be replaced with an "Alternate Side Parking" regulation in conjunction with a "One Hour Parking Time Limit, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulations such that parking is prohibited on the east side of the street during the winter months.
- (p) That a "One Hour Parking Time Limit" regulation be implemented on both sides of West 33rd Street between Bendamere Avenue and Leslie Avenue.
- (q) That parking be prohibited on the west side of Viewpoint Avenue commencing at Mountain Park Avenue and extending to a point 93 feet southerly therefrom.
- (r) (i) That a "Permit Parking" regulation be implemented on the west side of Elgin Street commencing at a point 93 feet south of Robert Street and extending to a point 20 feet southerly therefrom; and  
(ii) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Patrick Lloyd, 109 Elgin Street.

- (s) (i) That stopping be prohibited on the south side of Barclay Street commencing at Paisley Avenue and extending to a point 67 feet westerly therefrom and from Paisley Avenue to a point 53 feet easterly therefrom; and
- (ii) That stopping be prohibited on the south side of Barclay Street commencing at Newton Avenue and extending to a point 88 feet westerly therefrom and from Newton Avenue to a point 61 feet easterly therefrom.
- (t) (i) That, the existing "Permit Parking" regulation on the east side of Grant Avenue between Stinson Street and Alanson Street be shortened such that the regulation commences at a point 95 feet south of Stinson Street and extends to Alanson Street; and
- (ii) That the Director of Traffic Services be authorized to redistribute parking permits to eligible applicants residing in the block on a first come, first served basis provided that the maximum number of 6 permits is not exceeded.
- (u) That northbound traffic on Arlington Road be required to stop for eastbound and westbound traffic on Glendee Road.
- (v) (i) That southbound traffic on Arno Street be required to stop for eastbound and westbound traffic on Templemead Drive; and
- (ii) That northbound traffic on Arno Street be required to stop for eastbound and westbound traffic on Anna Capri Drive.
- (w) That three-way stop control be implemented at the intersection of Atherley Drive and Rexford Drive.
- (x) That four-way stop control be implemented at the intersection of Monterey Avenue and Wexford Avenue.

- (y) (i) That southbound traffic on Sorrento Place be required to stop for eastbound and westbound traffic on Como Drive; and
    - (ii) That eastbound and westbound traffic on Como Drive be required to stop for northbound and southbound traffic on Torino Drive.
  - (z) That southbound traffic on Cavell Avenue be required to stop for eastbound and westbound traffic on Primrose Avenue.
  - (aa) That a 3-way stop control be implemented at the intersection of Princip Street and Rexford Drive.
  - (bb) That a one hour parking time limit 8:00 a.m. to 6:00 p.m., Monday to Saturday regulation be implemented on both sides of Augusta Street between Catharine and John Streets.
25. That the Director of Traffic Services be authorized to issue, upon request, one time limit exemption permit to each of the first six applicants residing in the building at No. 115 Strathcona Street North.
26. That the Director of Traffic Services be authorized to issue a time limit exemption permit to Mr. Ian Sharp, 401 - 150 Market Street.
27. That the Director of Traffic Services be authorized to issue, upon request, one time limit exemption permit to each of the first seven applicants residing in the building at No. 169 Park Row South.
28. (a) That one of the two parking permits presently issued to Ms. Linda Sedore, 46 Hess Street North, be cancelled; and
- (b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Rich Knuckle, 43 Hess Street North.



29. That the positions in the Fleet Services Division of the Public Works Department be re-structured as follows to update the job descriptions and be forwarded to the Human Resources Department for rating:
- (a) Declare the two existing positions - Parts and Inventory Clerk and Assistant Parts and Inventory Clerk and Assistant Parts and Inventory Clerk, redundant; and
  - (b) Approve the creation of two new positions - Automotive Parts Clerks, at the same level.
30. That leave be granted to introduce the following Bills:
- |            |  |
|------------|--|
| Bill A-100 | A By-law to Incorporate Part 1, Plan 62R-10711 into Butler Drive                           |
| Bill A-101 | A By-law to Incorporate Block "AX" Plan M-145 into Anna Capri Drive                        |
| Bill A-102 | A By-law to Incorporate Block 73, Plan 62M-633 into Byng Street                            |
| Bill A-103 | A By-law to Incorporate Reserve "B", Registered Plan No. 944 into Byng Street              |
| Bill A-104 | A By-law to Incorporate Part 7, Plan 62R-10132 into Dragoon Drive                          |
| Bill A-105 | A By-law to Incorporate Part 1 on Plan 62R-9960 into Limeridge Road East                   |
| Bill A-106 | A By-law to Incorporate Part 8, Plan 62R-6969 into Silverton Drive                         |
| Bill A-107 | A By-law to Incorporate Part 1, Plan 62R-9668 and Part 1, Plan 62R-11157 into Aquila Place |
| Bill A-108 | A By-law to Incorporate Parts 1 and 2, Plan 62R-9645 into Aquila Place                     |
| Bill A-109 | A By-law to Incorporate Part 2, Plan 62R-10203 into Rexford Drive                          |
| Bill A-110 | A By-law to Incorporate Part of Block 84, Plan 62M-603 into Alconbury Drive                |

- Bill A-111      A By-law to Incorporate all of Block 20, Plan 62M-551  
into Rondeau Street
- Bill A-112      A By-law to Incorporate Block 124, Plan 62M-516,  
Block 147, 62M-516, and Part of Block 146,  
Plan 62M-502 into Brigade Drive
- Bill A-113      A By-law to Amend Traffic By-law No. 89-72 to  
Regulate Traffic
- Bill A-114      A By-law to Amend Traffic By-law No. 89-72 to  
Regulate Traffic

Respectfully Submitted,

ALDERMAN H. MERLING, CHAIRMAN  
TRANSPORT AND ENVIRONMENT COMMITTEE

T. Agnello, Secretary  
June 18, 1990  
July 23, 1990

Schedule "A" as referred to in Section 9 of the TENTH Report of the Transport and Environment Committee

## SCHEDULE "A"

<u>Incorporating into Street Name</u>	<u>Description of Lands being Incorporated</u>	<u>Financial Implications</u>	<u>Reason for being Incorporated</u>	<u>File No.</u>
Butler Drive	Part of Lot 9 Con. 8, (formerly Barton Township) designated as Part 1, Plan 62R-10711	N/A	To complete the final width of Butler Drive and hook-up Butler Drive (as established by By-Law No. 10517 and Butler Drive on Plan 62M-661	S701-53
Anna Capri	Part of Block "AX", Plan M-145, west of that portion of Block "AX" (already incorp- into Anna Capri Drive by City of Hamilton By-Law No. 84-184	N/A	To provide access to Capri Drive, Plan M-145 from Parts of Lot 6, Con. 8 (Barton Twp.) designated as Parts 3, 5, 7, 9, 11 & 13, Plan 62R-11218	S701-41
Byng Street	Block 73, Plan 62M-633	N/A	To provide hook-up and access from Byng Street, Plan 62M-633 with Byng Street, Plan 62M-663	S715-24 S715-25
Byng Street	Reserve "B", Registered Plan No. 944	N/A	To provide hook-up and access from Byng Street, Plan 62M-663 and Byng Street, Registered Plan No. 944	S715-2
Dragoon Drive	Part of Parcel 11-5, Section Bar.8(c), being part of Lot 12, Conc. 8, former Township of Barton subject to an easement as outlined in Inst. No. 219249L.T.	N/A	To provide hook-up and access from Dragoon Drive Plan 62M-589 and Upper Wellington Street	S723-3



<u>Incorporating into Street Name</u>	<u>Description of Lands being Incorporated</u>	<u>Financial Implications</u>	<u>Reason for being Incorporated</u>	<u>File No.</u>
Limeridge Rd. E.	Part of Lot 11, Conc. 7, (formerly Barton Township) designated as Part 1 on Plan 62R-9960	N/A	To provide access to & from Part 2, Plan 62R-9960 and complete final width of Limeridge Road on the south side	S610-03
Silverton Drive	Part of Lot 5, Conc. 8 formerly Barton Township, designated as Part 8, Plan 62R-6969	N/A	To complete the final width of Silverton Avenue & provide access to & from Plan 62M-653	S610-01 S610-03
Aquila Place	Parts of Lot 11, Conc. 7 formerly Barton Township designated as Part 1, Plan 62R-9668 and Part 1, Plan 62R-11157	N/A	To complete the final width of Aquila Place & provide access to and from Parts 1,2,3, Plan 62R-11157 to Aquila Place as shown on Plan 62M-579	S610-01 S610-03
Aquila Place	Parts of Lot 11, Conc. 7 formerly Barton Township designated as Parts 1 and 2, Plan 62R-9645	N/A	To complete the final width of Aquila Place and provide access from Part 1, Plan 62R-5631 to Aquila Place as shown on Plan 62M-579	S610-01 S610-03

- 3 -

<u>Incorporating Into Street Name</u>	<u>Description of Lands being Incorporated</u>	<u>Financial Implications</u>	<u>Reason for being Incorporated</u>	<u>File No.</u>
Rexford Drive	Part of Lot 3, Registered Plan 1059 designated as Part 2 on Plan 62R-10203	N/A	To provide the hook-up between the two portions of Rexford Drive as shown on Plan 62M-657	S610-03
Alconbury Drive	Part of Block 84, Plan 62M-603, designated as Part 2 on Plan 62R-10608	N/A	To complete the final width of Alconbury Drive Plan 62M-603 and provide access to & from Plan 62M-657	S708-54
Rondeau Street	All of Parcel Reserve -1, Section 62M-551, All of Block 20, Plan 62M-551	N/A	To complete the final width of Rondeau Street Plan 62M-551 & provide access & hook-up between Rexford Drive, Plan 62M-551 & Rexford Drive, Plan 62M-657	S718-54 S718-64
Brigade Drive	Block 124, Plan 62M-516, Block 147, 62M-502, and part of Block 146, Plan 62M-502	N/A	To repeal a previous By-Law No. 89-257, because the Registry Office would not accept the metes and bounds description contained in Schedule "A"	S723-34 S723-37

# REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **FOURTEENTH** Report for 1990 and respectfully recommends:

1. That a purchase order be issued to J. K. Jouppien Heritage Consultants, St. Catharines, in the amount of \$12 506 for the Archaeological Survey, Dundurn Castle in accordance with specifications issued by the Manager of Purchasing and Vendor's Proposal.

**NOTE:** Lowest of two (2) quotations received. Funds provided in Fees for Consultants Account No. CH55406 71001.

2. That the position of Stenographer IV in the Parks Division be declared redundant; and that the position of Stenographer II be created and approved to adjust the responsibilities and the workload more evenly within the Administrative Section of the Parks Division of the Public Works Department.
3. (a) That an Option to Purchase executed by Starward Homes Limited on 1990 July 9 and scheduled for closing on or before 1990 October 9, for the purchase of lands required for the Gourley Neighbourhood Park be approved and completed.

The conditions set out below form part of this agreement:

It is understood and agreed that this Option to Purchase is conditional upon the simultaneous closing of the Offer to Purchase agreement between the City of Hamilton and Starward Homes Limited for the lands described as parts 1 and 8, Plan 62R-10500.

It is further understood and agreed that the City shall grant a "Parkland Credit" of exactly one (1) acre to Starward Homes Limited that may be used towards satisfying the 5% cash-in-lieu requirements of Section 41, 50 and 52 of the Planning Act for such future residential developments that Starward Homes Limited may undertake in the Gourley, Gilkson, Kernighan or Sheldon Planning Neighbourhoods.

It is further understood and agreed that the City shall grant an easement for storm and sanitary sewers to Starward Homes Limited over that part of the subject lands in the location shown on Schedule "C" hereto attached subject to the compensation payable for same being mutually satisfactory to the City and Starward Homes Limited.



The purchase price of \$1 074 500 is to be charged to Account No. 5X306 00201.

**NOTE:** The subject property contains 2.89 hectares (7.14 acres) and is composed of part of Lot 17, Concession 7, in the Geographic Township of Barton, more particularly described as Parts 1 and 2, on a plan prepared by A. J. Clarke and Associated Ltd. on 1990 June 15 and numbered E-10075. Consideration in the amount of \$1 has been paid to the owners and forms part of the purchase price.

- (b) That an Offer to Purchase executed by Starward Homes Limited on 1990 July 9, and scheduled for closing on or before 1990 October 9, for the purchase of City lands no longer required for the Gourley Park be approved and completed.

The conditions set out below form part of this agreement:

It is understood and agreed that this Offer to Purchase is conditional upon the simultaneous closing of the Option to Purchase agreement between the City of Hamilton and Starward Homes Limited for the lands described as part of Lot 17, Concession 7 in the Geographic Township of Barton, which are shown as parts 1 and 2, on a plan prepared by A.J. Clarke and Associated Ltd. on 1990 June 15, and number E-10075. The revenues of the sale in the one amount of \$495 775 are to be charged to Account No. 4X50100201.

**NOTE:** The subject property contains 1.013 hectares (2.502 acres) and is composed of part of Lot 17, Concession 7, in the Geographic Township of Barton, more particularly described as parts 1 and 8, Plan 62R-105005. Consideration in the amount of \$1 has been paid to the owners and forms part of the purchase price.

4. That \$27 000 be transferred from the 5% Parkland Dedication Account No. CH00201 to the Crown Point East Priority Parkland Account No. CF5590628650001.

**NOTE:** For the information of the Members of City Council, the Parks and Recreation Committee at its meeting held 1990 July 23 approved the following recommendation with respect to Priority One Parks.

"That the Parks Staff Advisory Committee be requested to conduct a complete review of priority one parkland acquisition. Further, the report should include a review of the Priority One Park in the Crown Point East Neighbourhood including a comprehensive history of the park, acquisitions to date, public participation etc."

5. (a) That approval be given for a floor safe installation at the Norman Lewis Recreation Centre, in accordance with the recommendation from the City Treasurer as it relates to cash controls and fiscal security.
- (b) That the estimated amount of \$700 be approved from Account No. 56333 70020.
6. That the hosting of the Canadian Dairy Cycling Challenge in the City of Hamilton on Friday, 1990 September 28 be endorsed, subject to the following terms and conditions:
  - (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as Additional insured be provided.
  - (b) That the event organizers, Hollis Communications Inc., meet all the requirements of the Regional Municipality of Hamilton-Wentworth for a temporary street closure.
  - (c) That the applicant be responsible to make arrangements with the Regional and Municipal Departments for all technical support necessary in staging this event.

NOTE: Conditions of the Hamilton-Wentworth Regional Police include barricading, signing and traffic control. Applicants are subject to permit passage of vehicles for the proper and orderly access of traffic and emergency vehicles.

- \* 7. (a) That permission be granted to the Multiple Sclerosis Society of Canada to sell beer, in conjunction with the Hamilton Police Association tournament, scheduled at Globe Park on the following dates, 1990 July 28th and 29th, subject to the following terms and conditions:
  - i. That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
  - ii. That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
  - iii. That the Concessionaire be contacted to make the necessary arrangements for the provision of food.
  - iv. That the applicant assume responsibility for all labour related costs as a result of this event.

\* Recorded vote, see page 2774

iv. That Special Duty Officers, as may be deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicants expense.

- (b) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.

NOTE: Approval is required pursuant to Parks By-law 77-221.

\*8. That the permission be granted to the Hamilton Campus of the Toronto School of Business and the Bach Elgar Choir to serve food and alcoholic beverages in Dundurn Park on 1990 September 22, in conjunction with the Bach Elgar Western Barbecue, subject to the following terms and conditions:

- (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury be provided, same to be submitted 30 days in advance of the event and naming the City as co-insured.
- (b) That the applicant assume responsibility for all labour-related charges associated with the event (set-up, dismantling, clean-up, etc.)
- (c) That alcoholic beverages be served in the confined area of the pavilion.
- (d) That the applicant adhere to all regulations stipulated by the Liquor Licence Board in the provision of alcoholic beverages.
- (e) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicants expense.

\*9. That approval be given of the action taken by the Director of Culture and Recreation, to allow the Hostess Frito-Lay Company to sell beer on the occasion of their Slo-Pitch Tournament to be held at Globe Park on Saturday, 1991 July 21, subject to the following terms and conditions:

- (a) That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insure, be provided.
- (b) That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
- (c) That the applicant assume responsibility for all labour related costs as a result of this event.
- (d) That the concessionaire be contacted to make the necessary arrangements for the provision of food.

\* Recorded votes, see page 2774 & 2775



10. That the City of Hamilton endorse the proposed Act on the Professional Status of the Artist - The Canadian Artist's Code and that this resolution be forwarded to the Federal Communications Minister, The Honourable Marcel Masse.

NOTE: Copies of the proposed Act on the Professional Status of the Artist's - The Canadian Artist's Code available in the office of the Secretary of the Parks and Recreation Committee.

- \*11. That the Hamilton Redbirds, Hamilton Baseball Associates Inc., be granted permission to sell food and beer at Bernie Arbour Stadium for the games on August 3, 16, 17, 18, 19, 20, 28 and 31, subject to the following terms and conditions:
- (a) That proof of \$2 million General Liability Insurance for Property Damage and Bodily Injury naming the City as co-insured be provided.
  - (b) That the applicant assume responsibility for all labour charges associated with the events (set-up, clean-up, etc.)
  - (c) That beer be served in a fenced and confined area, in accordance with the L.L.B.O. regulations.
  - (d) That the applicant adhere to all regulations stipulated by the Liquor Licence Board in the provision of alcoholic beverages.
  - (e) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicants expense.
  - (f) That each date be contingent upon the supervision and orderly conduct of the previous date.
12. (a) That the City of Hamilton accept title from Chedoke Health Corporation for six (6) acres, more or less, of vacant land forming part of 472 Sanatorium Road, part of Lot 56 and 57, Concession 2, formerly in the Township of Ancaster, now in the City of Hamilton for the sum of \$1.
- \*\* (b) That the City of Hamilton accept for the sum of \$1, title from the Chedoke Health Corporation for a 26 metre road allowance and lands required for intersection improvements at Rice Avenue of which Chedmac Drive forms a part.
- (c) Chedoke Health Corporation will allow the City to discharge its storm water onto the Corporation's remaining lands until such time as storm sewers are available to the arena site.

\* Recorded vote, see page 2775

\*\* Recorded vote, see page 2775

- (d) Chedoke Health Corporation will grant the City of Hamilton an Option to Purchase for a two (2) year period for an additional four (4) acres of adjoining vacant lands to the arena site. This will be required for a proposed Aquatic Centre. The Purchase Price of the four (4) acres, if the Option to Purchase is exercised, will be \$1. The Agreement of Conveyance will contain provisions for a shared use of the proposed Aquatic Centre.
- \*(e) 1. That the appropriate staff be directed to proceed as expeditiously as possible in preparing the plans for the proposed arena.
11. That the Finance and Administration Committee be requested to recommend the method of financing for the cost of the survey, soil test and preliminary design investigation work which is estimated at \$75 000.
- (f) 1. That the Manager of the Real Estate Division of the Property Department be authorized to finalize all necessary agreements required with the Chedoke Health Corporation to implement these recommendations.
11. The agreement will contain provisions that the Chedoke Health Corporation or its successors and assigns will be responsible for normal development charges associated with Chedmac Drive, if and when their remaining lands are developed. The charges will be based in accordance with existing City policies at that time.
111. The agreement will also contain a proviso that Chedoke Health Corporation will assume normal development charges and costs associated with the future intersection improvements that might be slated for Rice Avenue and Chedmac Drive.
- (g) That the Mayor and City Clerk be authorized to execute any agreements required in a form satisfactory to the City Solicitor.
- (h) That an Arena Construction Sub-Committee be appointed and further, that Alderman Murray and Alderman Jackson be appointed to the Sub-Committee.

RESPECTFULLY SUBMITTED,

Lynn Dale,  
Secretary

ALDERMAN T. MURRAY, CHAIRMAN  
PARKS AND RECREATION COMMITTEE

1990 July 24

\* Recorded vote, see page 2776

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its THIRTEENTH Report for 1990 and respectfully recommends:

1. That a repayable loan under the Commercial Facade Loan Programme, in the amount of fourteen thousand, seven hundred and ninety-four dollars (\$14,794.) be approved for 411-413 Barton Street East, Maria & Salvatore Mancuso. The interest rate will be 7-3/8 percent, amortized over 10 years.
2. That a repayable loan under the Commercial Facade Loan Programme, in the amount of twenty-five thousand, nine hundred and eighty-eight dollars (\$25,988.) be approved for 407-409 Barton Street East, Maria & Salvatore Mancuso. The interest rate will be 7-3/8 percent, amortized over 10 years.
3. That the Designated Property Grant in the amount of \$250. approved in 1989 be rescinded and the following substituted:
  - (a) That a repayable loan under the Community Heritage Trust Fund in the amount of eight hundred and thirty dollars (\$830.) be approved for Helen Kirkpatrick and Thomas Baker, 256-258 MacNab Street North, Hamilton. The interest rate will be six percent, amortized over 10 years; and,
  - (b) That a Designated Property Grant in the amount of eight hundred and thirty dollars (\$830.) be provided to Helen Kirkpatrick and Thomas Baker, 256-258 MacNab Street North, Hamilton.
4. That the City of Hamilton accept the sum of \$87,320. as cash payment in lieu of the 5% dedication in connection with South Hill Subdivision, Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Upper James Street and south of Rymal Road West in the Kennedy East Neighbourhood, Hamilton.



5. That approval be given to application 25CDM-90003, Mahabir Homes Limited, owner, to establish a draft plan of condominium located at the south side of Limeridge Road East, west of Upper Wentworth Street, subject to the following:
- (a) That this approval apply to the plan prepared by A. T. McLaren Limited, dated 1990 January 8, showing 26 townhouse units.
  - (b) That the owner satisfy the financial requirements of the Regional Municipality of Hamilton-Wentworth.

6. That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 783 Concession Street
- (b) 785 Concession Street
- (c) 791 Concession Street
- (d) 99 Alpine Avenue
- (e) 592 Stone Church Road East

7. That, the 1990 Business Development Seminar be held 1990 October 23 at the Royal Connaught Hotel at an estimated cost of ten thousand dollars (\$10,000.).

NOTE: A sponsorship programme with anticipation of reducing the cost substantially to the City of Hamilton has been introduced. Last year's expenditure amounted to eight thousand, seven hundred and eighty-five dollars (\$8,785.) which did not include sponsorship. Funds available in the Downtown Action Plan Phase IV, Account No. CF5698-428803006.

8. That the Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) be proceeded with at an estimated gross cost of six hundred and twenty-seven thousand (\$627,000.) 50% (\$313,500.) Provincial and 50% (\$313,500.) Municipal as provided for in the 1990-1994 Capital Budget.

- \* 9. That the City of Hamilton dismiss the action against D. B. Savage Industrial Sales Limited subject to the following terms:

(a) That D. B. Savage pay all legal and other costs namely,

	\$3,865.00	City Solicitor's Department
	<u>500.00</u>	Real Estate Division
Total	\$4,365.00	

(b) That all arrears and property taxes be paid up to date.

(c) That Minutes of Settlement be executed between the City and D. B. Savage reflecting the terms above and allowing for an Order dismissing the action upon completion of settlement.

10. That the Mayor and City Clerk be authorized to execute an amendment to the subdivision agreement for Aquila Place - Phase 1, Registered Plan 62M-425, deleting the requirement for maintenance easements, which amendment is to be prepared by the City Solicitor.

- \*\*11. (a) That an Ad Hoc Committee of the Planning and Development Committee be established to review and co-ordinate the entire issue respecting the future use of Commonwealth Square and Summers Lane.

(b) That the Ad Hoc Committee be comprised of the Mayor, Chairman and members of the Planning and Development Committee, members of City Council, appropriate City and Regional staff, and that the following interested parties be invited to participate on the Ad Hoc Committee: H.E.C.F.I., C.A.P.I.C., Downtown Action Plan Committee, Crystal Palace Sub-Committee, Arts Advisory Sub-Committee, the Art Gallery, the Board of Education and others as required.

12. (a) That Site Plan Control By-laws No. 87-223 and No. 79-275, be amended to include the lands located in the Central Area (lands bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue) and that the City Solicitor be directed to prepare the necessary amendment.

(b) That the policy adopted by City Council on 1982 October 26, pertaining to Site Plan Control procedures be amended to include the following classes as minor in nature and be exempted from Site Plan Control procedures:

- (i) pools;
- (ii) solarium/greenhouse additions;
- (iii) deck and verandah additions.

\* Section 9(c) amended to read:

- (i) That D. B. Savage execute a Full and Final Release in favour of the City in a form satisfactory to the City Solicitor.
- (ii) That Minutes of Settlement be executed between the City and D. B. Savage reflecting the terms above and allowing for an Order dismissing the action upon completion of settlement.

\*\* Recorded vote, see page 2776

- (c) That the number and type of developments requiring Site Plan Control Applications, be monitored and reviewed at the end of 1990 for the purpose of assessing the implications that the addition of the Central Area, Main Street West and Centennial Parkway within Site Plan Control, has placed on staff resources.

NOTE: The purpose of the proposed amendment to the By-laws, is to include the lands located in the Central Area under Site Plan Control. Proponents of development proposed within the area bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue would be required to submit various plans for approval. This action is based on a recommendation of the Central Area Plan adopted by City Council on 1988 October 11, and as concurred by both C.A.P.I.C. and the Urban Design Committee.

13. That approval be given to amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, to permit the development of the subject lands for small lot single-family dwellings, for the property located at the rear parts of 1422 and 1430 Upper Sherman Avenue, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for the property located at the rear parts of 1422 and 1430 Upper Sherman Street.

The effect of the by-law is to permit the development of the subject lands for small lot single-family dwellings.



14. That approval be given to amended Zoning Application 89-99, 658414 Ontario Inc., (Alfredo, Luciano, and Anna DiDiodato and Antonio DiMillo) former owners, requesting a further modification to the established "M-12" (Prestige Industrial) District regulations to legalize the existing offices used by a builder, developer, and general contractor and a property management company for property located at 1515 Upper Ottawa Street, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the "M-12" (Prestige Industrial) District regulations contained in Section 17D of Zoning By-law No. 6593, as amended by By-law No. 89-339, applicable to the subject lands, be further modified to include the following variance as a special provision:

- (i) That notwithstanding Section 17D(1)(b), the following Commercial uses shall also be permitted:

<u>Use Not Prohibited</u>	<u>S.I.C. Number</u>
Operators of Residential Buildings and Dwellings	7511
Operators of Non-Residential Buildings	7512

- (ii) That notwithstanding Section 17D(1)(c), the following Industrial uses shall also be permitted restricted to office use only:

<u>Use Not Prohibited</u>	<u>S.I.C. Number</u>
Single Family Housing	4011
Apartment & Other Multiple Housing	4012
Commercial Building	4022

- (iii) That Section 17D(1)(d)1 shall not apply to the office uses referred to in clause (ii);

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1136a, and that the subject lands on Zoning District Map E-59D be notated S-1136a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- (d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

- (e) That the approved Mountain Industrial Area Plan be amended by redesignating the subject lands from "Restricted Industrial-Commercial" to "Restricted Commercial".

NOTE: The purpose of the By-law is to provide for a further modification to the established "M-12" (Prestige Industrial) District, for property located at 1515 Upper Ottawa Street.

The effect of the By-law is to permit, in addition to the uses under the "M-12" District regulations, offices for a developer, builder, and contractor as well as offices for a property management company.

15. That Zoning Application 89-128, Derrick Lea Palmer and Carol Yvonne Palmer, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to legalize the established two-family dwelling located at 767 Mohawk Road East, as shown on the attached map marked as Appendix "C", be DENIED for the following reasons:

- (a) It conflicts with the intent of the Official Plan, in that it would allow for an indiscriminate mix of housing types by introducing a two-family dwelling into an area which is characterised by single-family dwellings;
- (b) It represents an intrusion of a two-family dwelling into an area which is characterized by single-family dwellings; and,
- (c) Approval of the application would set an undesirable precedent and encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and change the character of the neighbourhood.

16. (a) That approval be given, in part, to amended Zoning Application 90-13, R. Yates and T. Yates, prospective owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1" to permit development of the subject lands for future single-family residential dwellings, for property located at the rear of 1451, 1459, 1465 and 1469 Upper James Street, as shown on the attached map marked as Appendix "D", on the following basis:

- (i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;

- (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
  - (iv) That the Ryckmans Neighbourhood Plan be amended by redesignating a portion of the lands from "Low Density Apartments" to "Single and Double Residential".
- (b) That Blocks "2" and "3" be Tabled in order for the applicant to submit a preliminary site plan for review by staff, and to investigate a land assembly/joint development with the adjoining property owner to the south.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at the rear of 1451, 1459, 1465, and 1469 Upper James Street, shown as Block "1".

The effect of the By-law is to permit future development for single-family detached dwellings.

17. That approval be given to Zoning Application 90-34, Felice Bozzo, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, for property located at 21 Rymal Road West, as shown on the attached map marked as Appendix "E", on the following basis:
- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
  - (b) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:
    - (i) That a minimum 3.0 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly rear lot line;
  - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1185, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1185;
  - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council;
  - (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.



NOTE: The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at 21 Rymal Road West.

The effect of the By-law is to permit redevelopment of the site with a 4 storey building containing retail stores and a restaurant on the ground floor and offices on the 3 upper floors.

In addition, the By-law provides for a modification to the "HH" (Restricted Community Shopping and Commercial) District regulations by requiring that a minimum 3.0 m wide landscape planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height, be provided and maintained along the southerly rear lot line.

18. (a) That approval be given to amended Zoning Application 90-35, 591613 Ontario Inc. (Karl Vander Schaaf), owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a four storey building with commercial uses on the ground floor and 46 condominium apartment units on the upper three floors, for property located at 57 Rymal Road West, as shown on the attached map marked as Appendix "F", on the following basis:

(i) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 89-342, applicable to the subject lands, be further modified to include the following variances as special provisions:

- (1.) That notwithstanding Section 14A(1), a multiple dwelling having not more than 46 dwellings units shall be permitted provided same is attached to any commercial use(s) permitted under Section 15B(3)(b) of Zoning By-law No. 6593;
- (2.) That notwithstanding Section 14A, any of the permitted commercial uses shall be located within the first storey only;
- (3.) That notwithstanding Section 14A, a minimum of 1,482 m<sup>2</sup> of landscaped area shall be provided and maintained at grade;
- (4.) That notwithstanding Section 18A(12), a landscaped strip of not less than 1.5 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line;

- (5.) All residential uses shall be located completely and functionally separate from any commercial use, and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;
  - (ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1145a; and that the subject lands on Zoning District Map W-9E be notated S-1145a;
  - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council;
  - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
  - (v) That the Kennedy East Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Commercial and Apartments".
- (b) That the applicant not receive final approval for Site Plan Control until such time as a traffic generation and impact study has been completed to the satisfaction of the Acting Commissioner of Regional Engineering.

NOTE: The purpose of the By-law is to provide for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, for property located at 57 Rymal Road West.

The effect of the By-law is to permit development of the subject lands for a 4 storey commercial/residential building containing commercial uses on the ground floor and 46 condominium apartment units on the upper three floors. In addition, the By-law provides for the following variances as special provisions:

- (a) That only the commercial uses permitted in the "CR" (Commercial-Residential) Districts (Section 15B(3)(b)) shall be permitted in conjunction with the 46 dwelling units;
- (b) That the commercial uses shall be permitted only on the first floor of the mixed residential/commercial building;
- (c) A minimum landscaped area of 23% of the lot area is to be provided and maintained at grade;

- (d) A landscaped strip of not less than 1.5 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height is to be provided and maintained along the entire westerly lot line; and,
- (e) Access to the residential units is to be completely separate from the commercial uses.

19. That Zoning Application 90-39, 527919 Ontario Ltd. (S. Kichuk), owner, requesting a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to increase the number of dwelling units from 131 to 154 by converting the parking area on the first floor to 13 units and the amenity space on the second floor to 10 units, for the property located at 150 Sanford Avenue North, as shown on the attached map marked as Appendix "G", be DENIED for the following reasons:

- (a) It is an overintensification in land use since adequate on-site parking cannot be provided. In this regard, a minimum of 193 parking spaces are required whereas only 150 are proposed which results in a shortfall of 43 spaces. The loss of parking spaces will only aggravate the parking problem in the area.
- (b) It is contrary to the intent of the existing Site Plan By-law 70-285 which restricts the gross floor area to 12,412.8 m<sup>2</sup>. The proposal would require an increase in the floor area of 1,532.85 m<sup>2</sup> (12%). The existing building has an F.A.R. of 2.0 and the increase would result in an F.A.R. of 2.2.
- (c) Amenity areas within apartment buildings are intended to serve both existing and future tenants. Accordingly, it should be preserved and enhanced wherever possible, not converted to additional units.
- (d) Approval of the application, would encourage other similar application which, if approved, would undermine the intent of the Zoning By-law.

20. That Section 17 of the Twelfth Report for 1990 of the Planning and Development Committee, adopted by City Council at its meeting of 1990 June 26, regarding amended Zoning Application 89-111, Y. Sharif, owner, be amended by adding the following sections:

- (B)(b)(ii) That notwithstanding Section 9 of Zoning By-law No. 6593, a minimum of thirteen parking spaces shall be provided and maintained;



- (B)(b)(iii) That the required area for parking, manoeuvring and access for the day nursery shall not occupy more than 50% of the gross area of the front yard;
- (B)(b)(iv) That not less than 50% of the gross area of the front yard shall be landscaped; and,
- (B)(b)(v) That the provisions of subsections 18A(9), (10) and (22) shall not apply, but only in respect of manoeuvring space requirements.

NOTE: The purpose of these portions of the By-law is to require parking for the previously approved day nursery for property municipally known as 991 Upper Paradise Road.

The effect of these portions of the By-law is to require the following variances as special provisions, applicable to the day nursery:

- (a) Thirteen parking spaces whereas none are required;
- (b) The parking spaces shall not occupy more than 50% of the gross area of the front yard;
- (c) Landscaping of not less than 50% of the front yard; and,
- (d) A stacked parking arrangement be permitted whereas stacked parking is not permitted.

21. That approval be given to amend a previously recommended condition for "Edan Heights", owned by 603976 Ontario Limited, Co Terra Homes/Dan Valentini, under Regional File No. 25T-90004 by deleting condition v) and replacing the same by the following condition:

- v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes pursuant to The Planning Act.

22. (a) That the City of Hamilton adopt a by-law to remove part-lot control from Lot 3, Registered Plan No. 1059 and from Lots 1 to 9 and Blocks "10" to "16" inclusive of Registered Plan 62M-657.

(b) That the Region be requested to approve the by-law removing part-lot control on the above-noted lots and blocks of Registered Plan Nos. 1059 and 62M-639.

(c) That the by-law be repealed within 6 months of the date of its registration.

23. (a) That the City of Hamilton adopt a by-law to remove part-lot control from Lots 1 to 32 inclusive of Registered Plan 62M-661.
- (b) That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots 1 to 32 inclusive of Registered Plan 62M-661.
- (c) That the By-law be repealed with 6 months of the date of its registration.
24. That leave be granted to introduce the following Bills:
- (a) Bill C-100 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 82-99 respecting lands located in the area south of Mohawk Road East between Upper Wentworth Street and Mall Road.
- (b) Bill C-101 A By-law to adopt Official Plan Amendment No. 92 respecting lands located east of Upper Ottawa Street, south of Stone Church Road East, within the Rymal Neighbourhood.
- (c) Bill C-102 A By-law to authorize the entering into of a Heritage Easement Agreement respecting the Hamilton Board of Education (Stinson Street School).
- (d) Bill C-103 A By-law to authorize the entering into of a Heritage Easement Agreement respecting MacNab Street Presbyterian Church.
- (e) Bill C-104 A By-law to authorize the entering into of a Heritage Easement Agreement respecting James Street Baptist Church.
- (f) Bill C-105 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 912 Rymal Road East.
- (g) Bill C-106 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 105 Nebo Road.
- (h) Bill C-107 A By-law to amend Zoning By-law No. 6953 as amended by Zoning By-laws No. 79-252 and 79-296 respecting lands located on the west side of Anchor Road, in the area south of Stone Church Road East.

- (i) Bill C-108 A By-law to amend Zoning By-law No. 6593 respecting land located at municipal No. 469 Bay Street North.
- (j) Bill C-109 A By-law to amend Zoning By-law No. 6593 respecting land located at the rear of Municipal No. 1279 Upper Gage Avenue.
- (k) Bill C-110 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 85-137 and to repeal By-law No. 83-165 respecting lands located at Municipal Nos. 249 Stone Church Road East and 1415 Upper Wellington Street.
- (l) Bill C-111 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 26 Arrowsmith Road.
- (m) Bill C-112 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 86-201 respecting land located at Municipal No. 1492 Upper James Street.
- (n) Bill C-113 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 1441 Upper James Street.
- (o) Bill C-114 A By-law to amend Zoning By-law No. 6593 respecting lands located at the rear of Municipal Nos. 1448-1500 Upper Sherman Avenue fronting onto Acadia Drive.
- (p) Bill C-115 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 1606 Upper Gage Avenue.
- (q) Bill C-116 A By-law to amend Zoning By-law No. 6593 respecting land located at the rear of Municipal No. 315 Centennial Parkway North.
- (r) Bill C-117 A By-law to amend Zoning By-law No. 6593 respecting Regulation of Gun Shops.
- (s) Bill C-118 A By-law to remove "Randall Estates - Phase 4 and Stone Church Survey" Registered Plan of Subdivision from part-lot control.
- (t) Bill C-119 A By-law to remove "Aquino Gardens" Registered Plan of Subdivision from part-lot control.

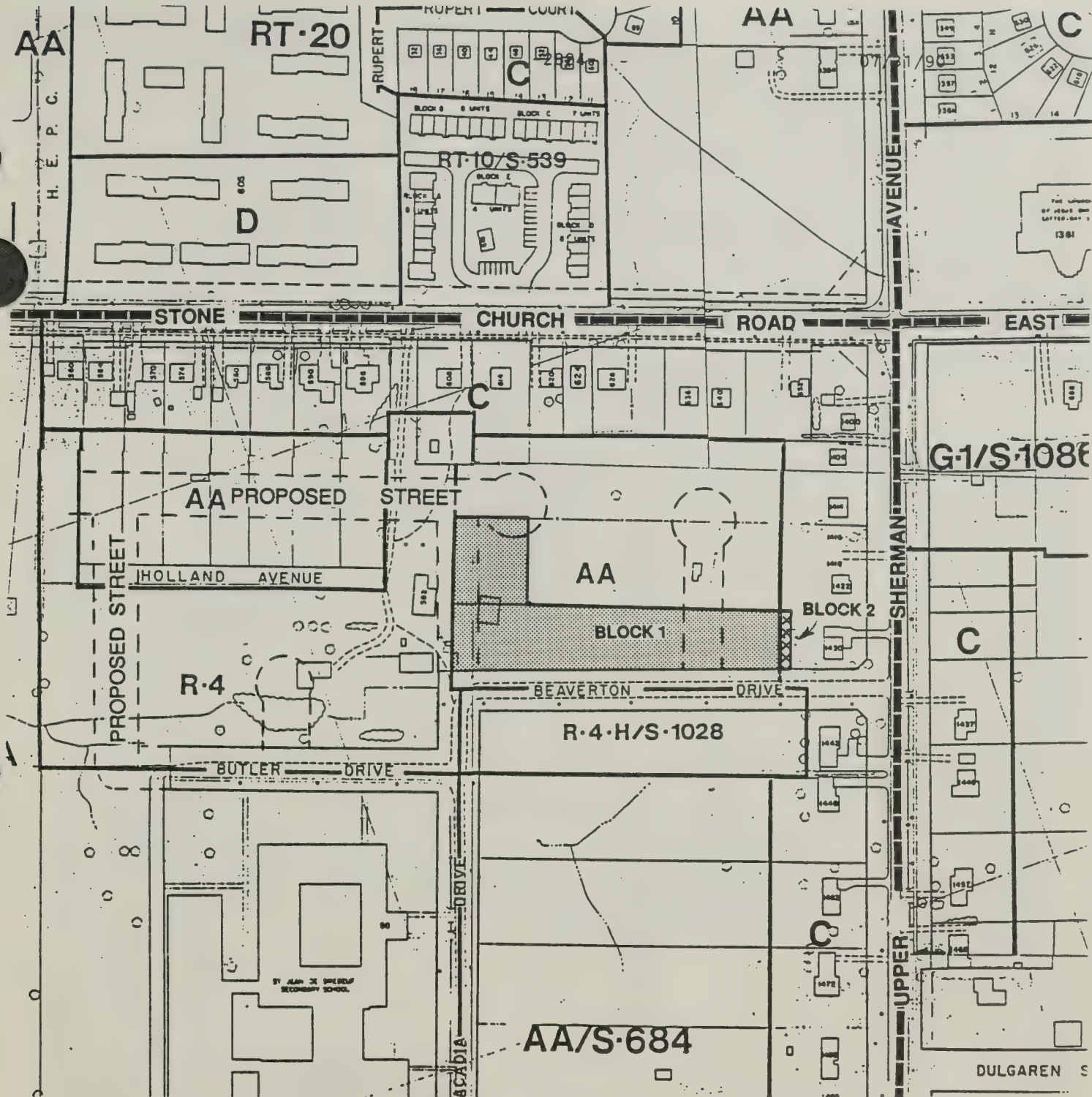


(u) Bill C-120 A By-law to establish Site Plan Control respecting lands located on the east and west sides of Centennial Parkway North between Queenston Street and the Queen Elizabeth Way.

Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Lynn Dale  
Acting Secretary  
1990 July 25



Appendix "A" as referred to in  
Section 13 of the THIRTEENTH  
Report for 1990 of the Planning  
& Development Committee.

### Legend

Proposed change in zoning from:

BLOCK 1



"AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

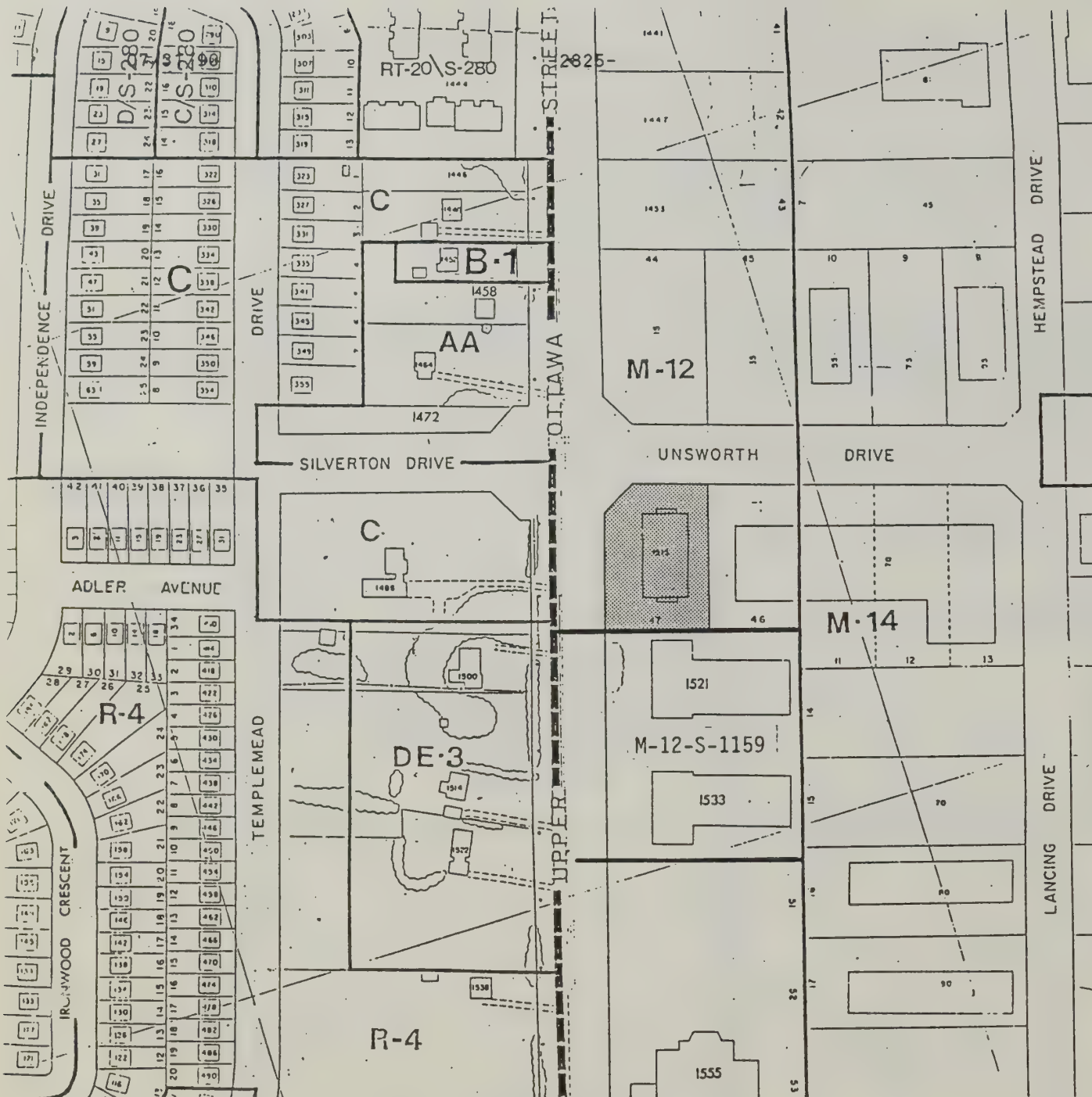
BLOCK 2



"C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.



APPENDIX A 1

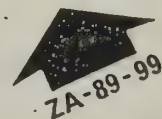


# Legend



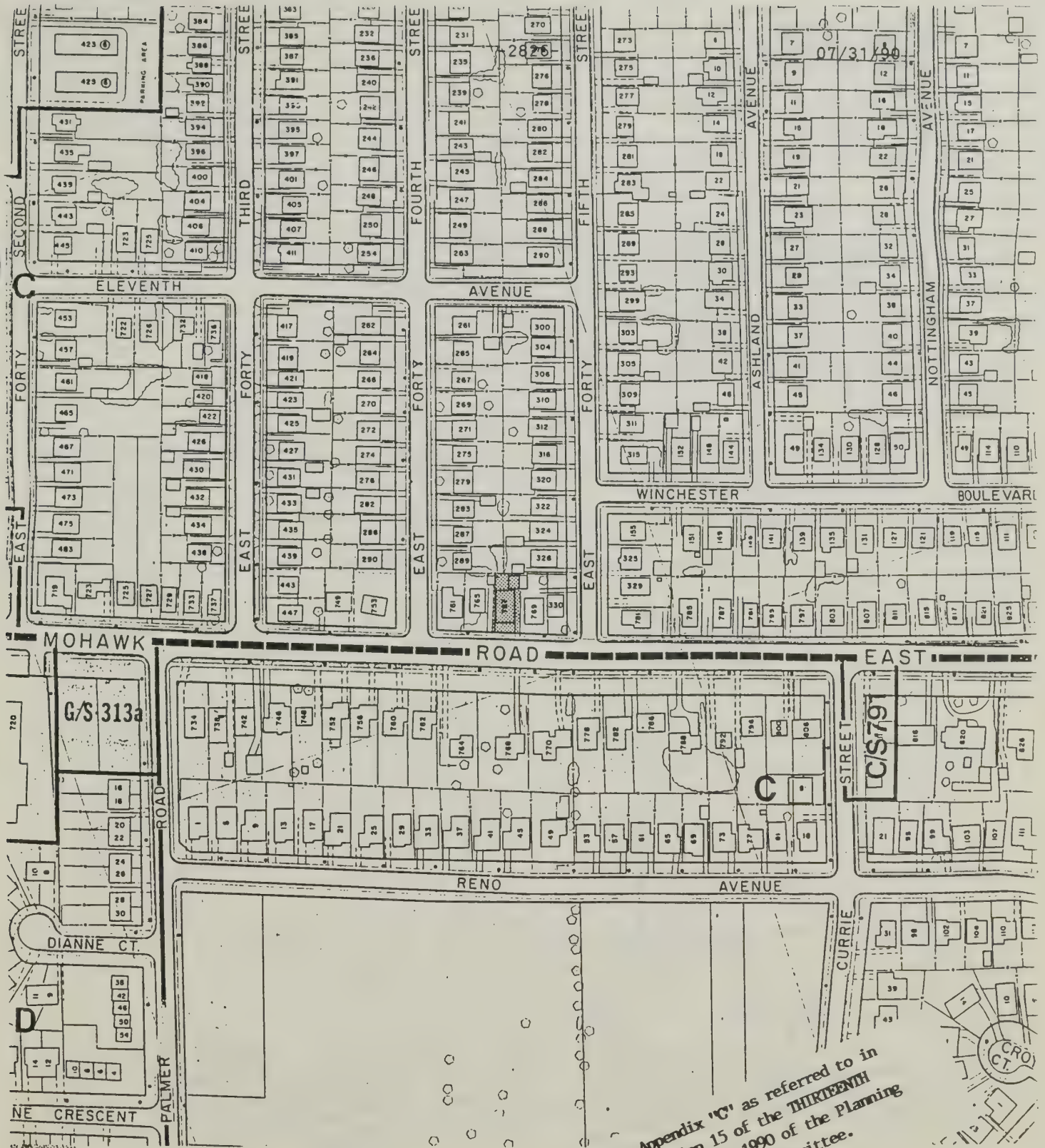
Site of the Application

Appendix 'B' as referred to in  
Section 14 of the THIRTEENTH  
Report for 1990 of the Planning  
& Development Committee.



APPENDIX A





# Legend

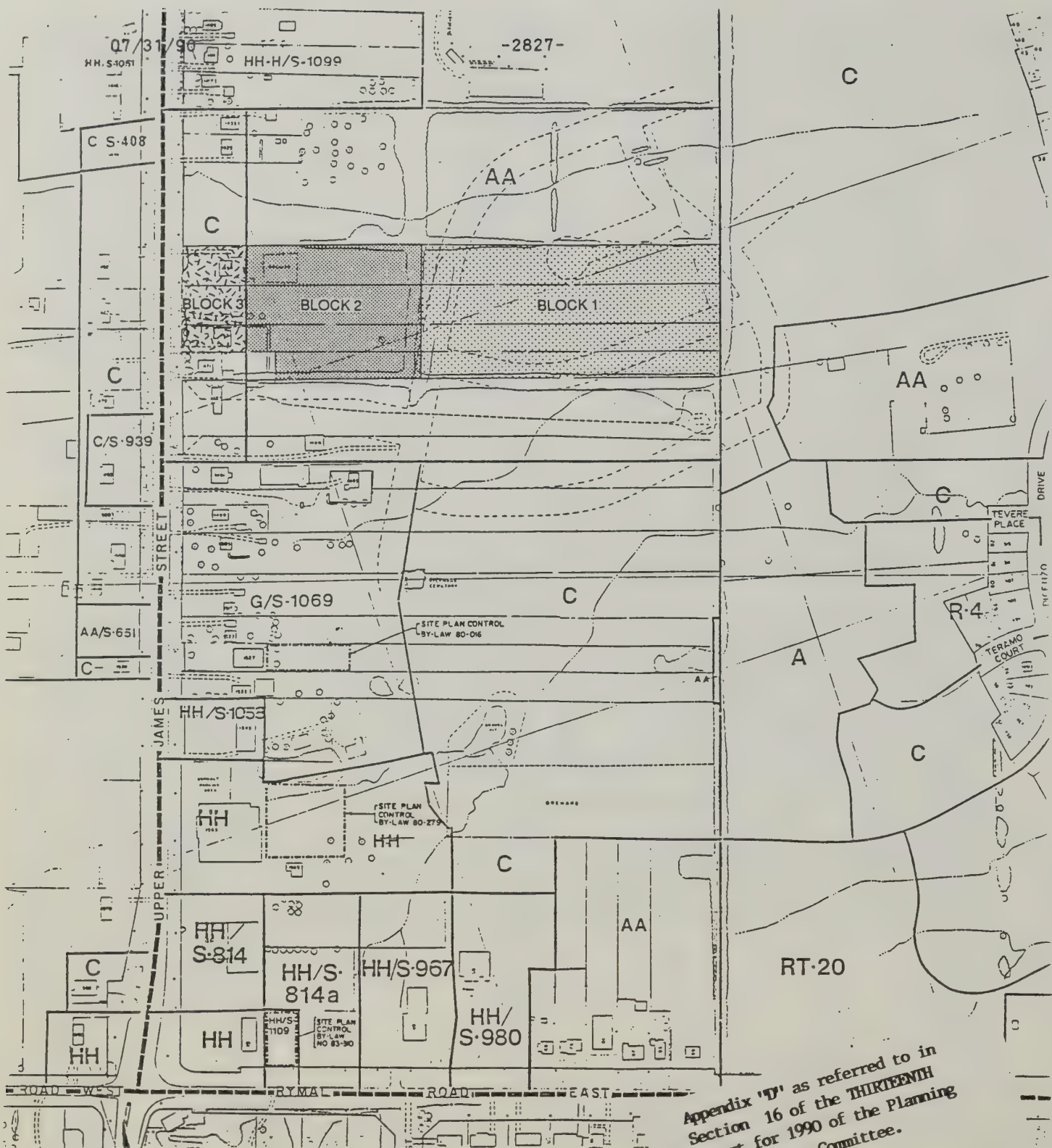


Site of the Application

Appendix 'C' as referred to in  
Section 15 of the THIRTEENTH  
Report for 1990 of the Planning  
& Development Committee.



APPENDIX A



### Legend

Proposed change in zoning from:



"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District

"AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

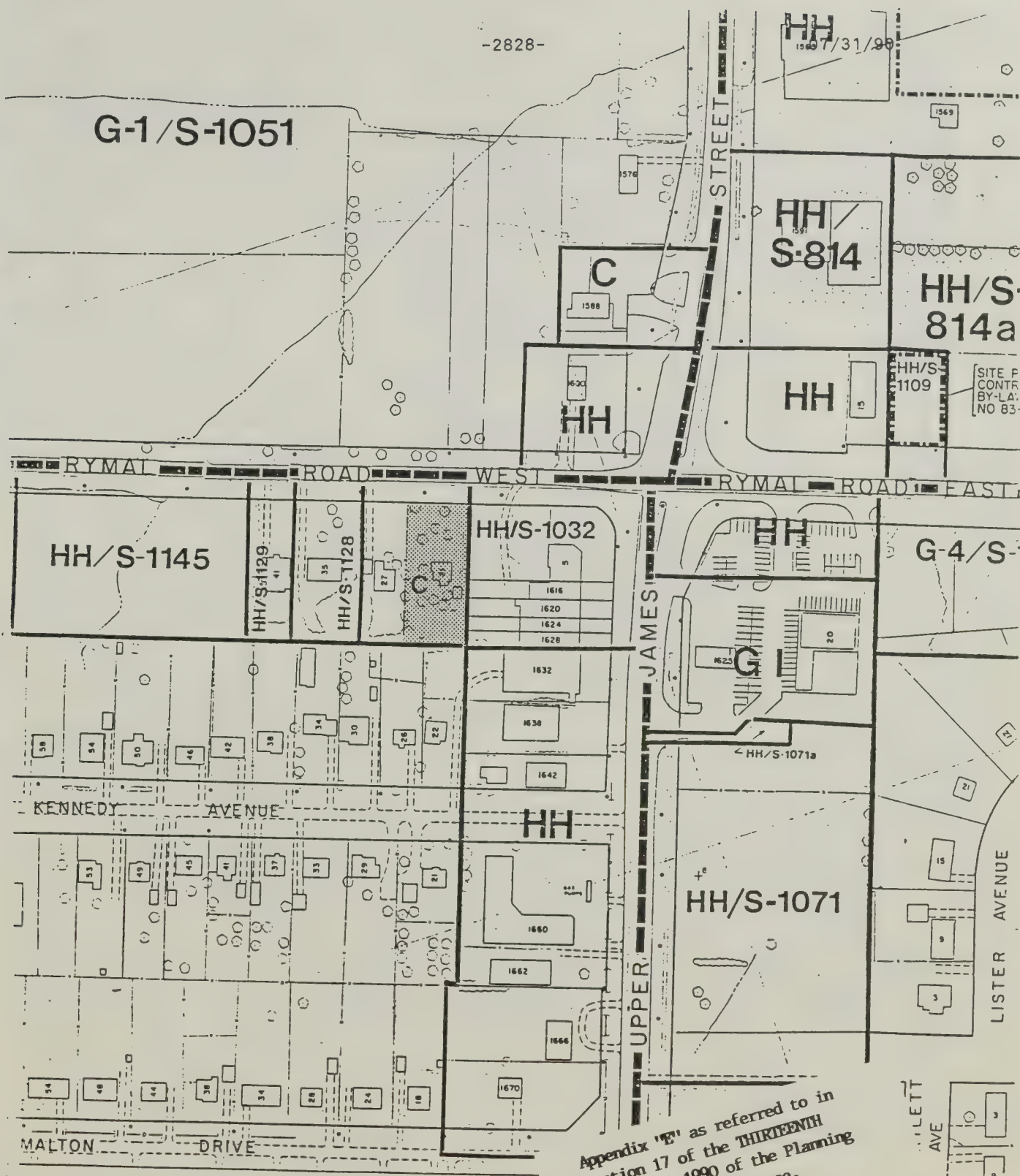
"C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

Appendix 'J' as referred to in  
Section 16 of the THIRTEENTH  
Report for 1990 of the Planning  
& Development Committee.



APPENDIX A 1





Legend



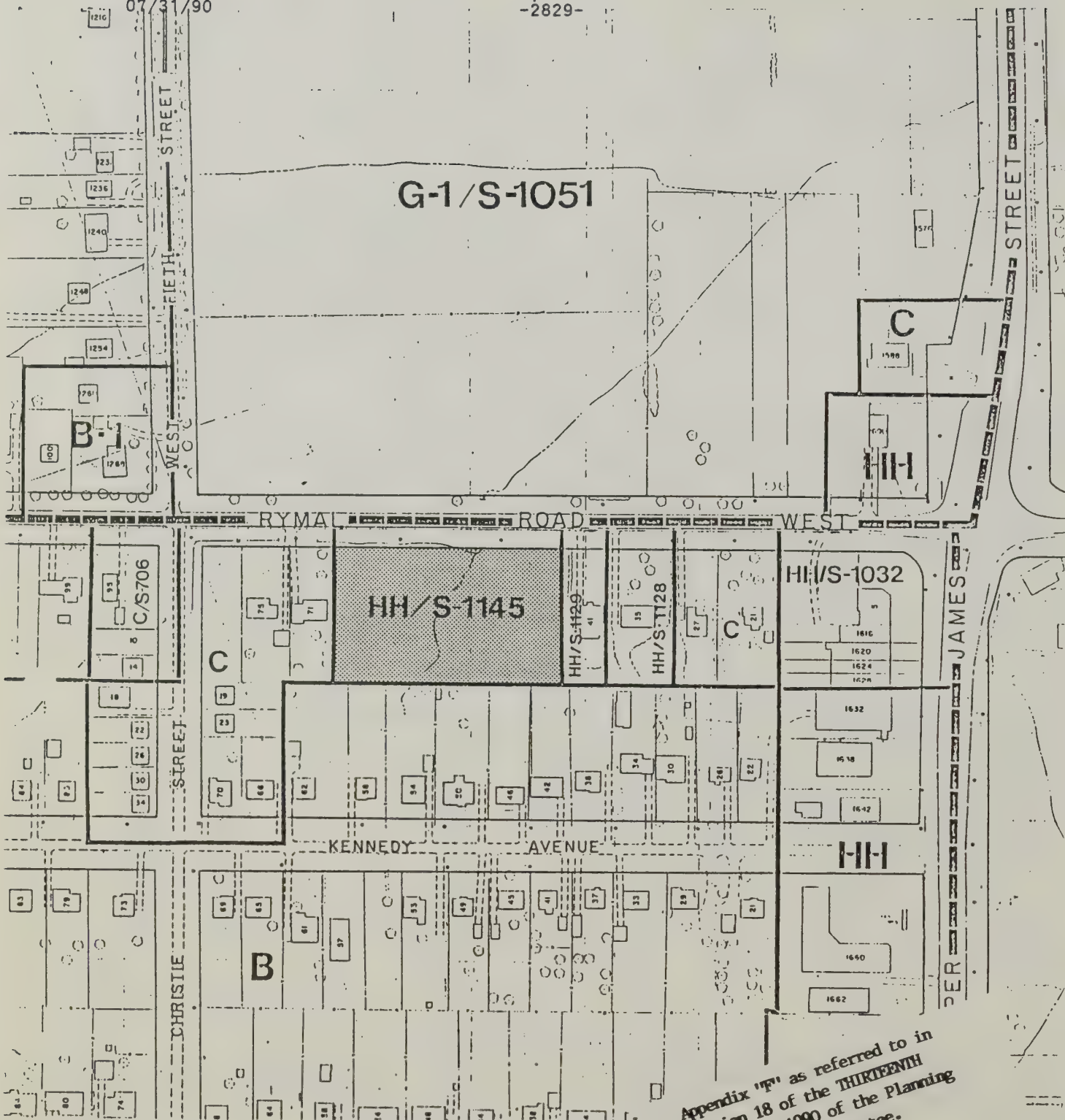
Site of the Application

Appendix 'E' as referred to in  
Section 17 of the THIRTEENTH  
Report for 1990 of the Planning  
& Development Committee.



APPENDIX A





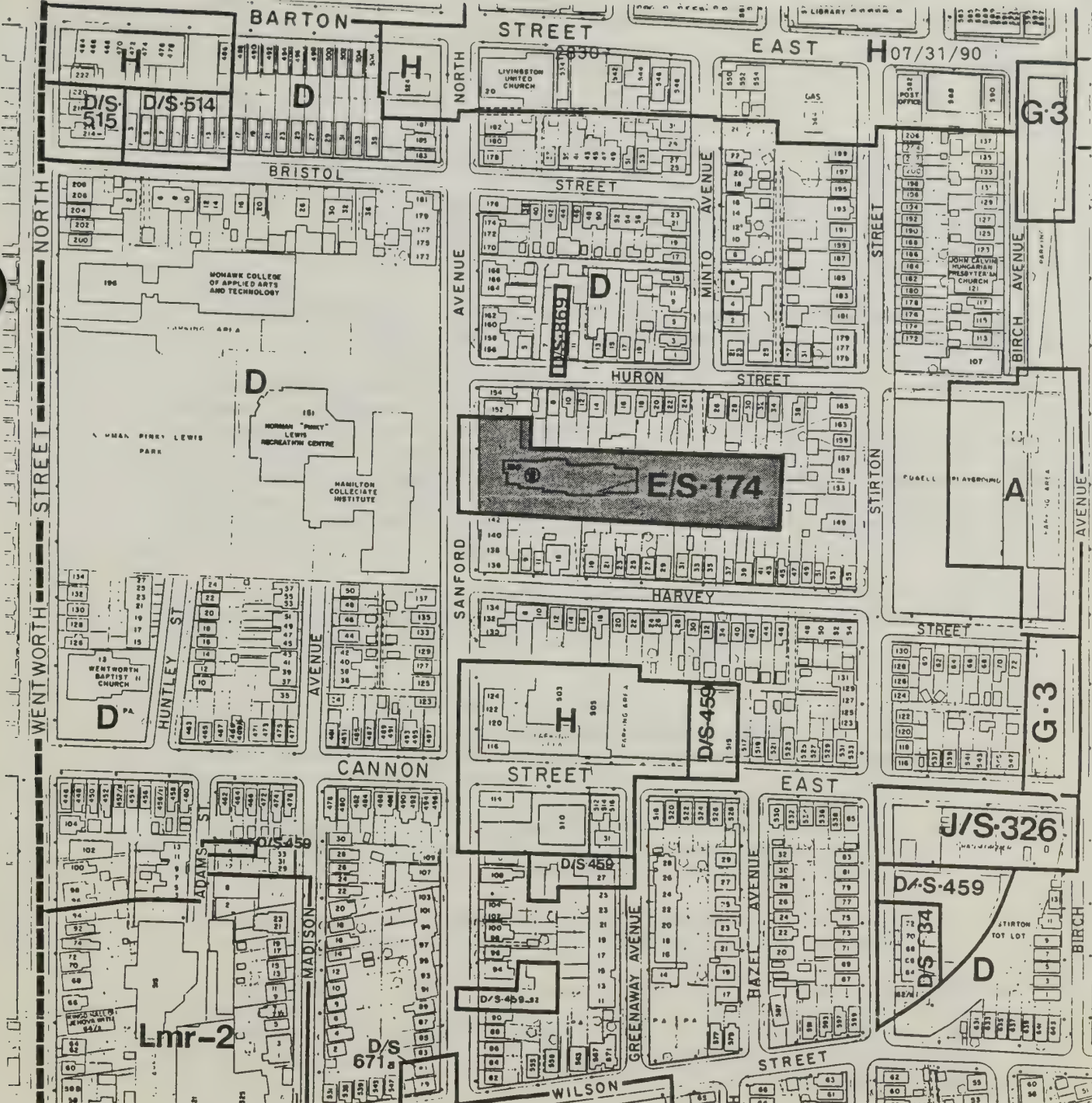
Appendix "F" as referred to in  
Section 18 of the THIRTEENTH  
Report for 1990 of the Planning  
& Development Committee.

### Legend



Site of the Application



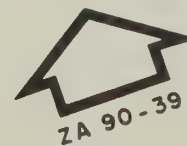


Appendix 'G' as referred to in  
Section 19 of the THIRTEENTH  
Report for 1990 of the Planning  
& Development Committee.

### LEGEND



SITE OF THE APPLICATION





## REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its FOURTEENTH Report for the 1990 and respectfully recommends:

1. (a) By Ground Lease dated 1983 May 3, the City leased the Sheraton Hotel site to Lakeview Development Ltd. With Council's approval as Landlord, Lakeview assigned this Lease in 1989 April to a new Tenant, namely GGS Hotel Holdings Canada Inc. It is recommended that the City (as Landlord) approve a Ground Lease mortgage being made by GGS Hotel Holdings Canada Inc. (as borrower) - subject to the conditions set out below, in favour of Century Leasing System, Inc. (Mortgage lender) in the amount of \$23,950,000.00 at 20% per annum:

(i) That the Mortgage is subject to the rights of the City as Lessor under the Ground Lease dated 1983 May 3, (which Lease was assumed by GGS Hotel Holdings Canada Inc. by the Lease Amending Agreement dated 1989 March 31);

(ii) That in respect of the Mortgage, GGS Hotel Holdings Canada, Inc. (the borrower) and Century Leasing Systems, Inc. (the lender) be required to enter into a Consent to Mortgage Agreement (dated 1990 July 15) for the purpose of having Century Leasing Systems, Inc. (the lender) make its covenants to the City to comply with the Ground Lease and other Agreements of the City and GGS relating to the Hotel. The Mayor and City Clerk are hereby authorized to execute this Agreement.

The Consent to Mortgage Agreement referred to in paragraph (ii) above, is to be registered on title to the Hotel by GGS.

(b) That an Estoppel Certificate be issued by the City to the Mortgage lender, Century Leasing System, Inc., under which the City confirms that the Ground Lease is in good standing. This Certificate confirms, among other matters, that there are no rent, realty taxes and business taxes outstanding.

(c) That a Certificate be issued by the City to the Mortgage lender, Century Leasing System, Inc., in which the City confirms that GGS is in compliance with its obligations to the City in the Interface Agreement, the Pedestrian Bridge Agreement, the Truck Tunnel Agreement and the Canopy Encroachment Agreement.



- NOTES: (a) Additional copies of the form of the documents being approved referred to above (namely the proposed Mortgage, the Consent to Mortgage Agreement, the Estoppel Certificate and the Certificate) are annexed hereto as Schedule "A", "B", "C", and "D".
- (b) Under the Ground Lease of 1983 May 3, referred to above GGS's Mortgage of its leasehold property is subject to the approval of the City as Landlord pursuant to Section 16.01 of the Ground Lease.
- (c) The above Mortgage for which the City's consent as lessor is now requested, shall be a first Mortgage on GGS's leasehold property. The proposed Mortgage does not include City land, nor does the proposed Mortgage oblige the City at any time to advance a loan or to re-pay any loan.

Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello  
Acting Secretary  
1990 July 31st

# Charge/Mortgage of Land

Form 2 - Land Registration Reform Act, 1984

Schedule "A" of the  
FOURTEENTH Report of the  
Planning and Development  
Committee

07/31/90

FOR OFFICE USE ONLY

(1) Registry ☐ Land Titles ☒

(3) Property Identifier(s) Block Property

Additional See Schedule ☐

(4) Principal Amount TWENTY-THREE MILLION NINE HUNDRED AND FIFTY THOUSAND  
Dollars \$23,950,000.00

(5) Description

Parcel 1 - 2, Section W - 39(c), City of Hamilton, Regional Municipality of Hamilton-Wentworth

See Schedule as to detailed description

New Property Identifiers

Additional See Schedule ☐

Executions

Additional See Schedule ☐

(6) This Document Contains (a) Redescription New Easement Plan/Sketch ☐ (b) Schedule for Description ☒ Additional Parties ☐ Other ☒ (7) Interest/Estate Charged ~~Mortgage~~ Leasehold

(8) Standard Charge Terms - The parties agree to be bound by the provisions in Standard Charge Terms filed as number n/a and the

(9) Payment Provisions (a) Principal Amount \$ See Schedule (b) Interest Rate % per annum (c) Calculation Period (d) Interest Adjustment Date Y M D (e) Payment Date and Period (f) First Payment Date Y M D (g) Last Payment Date (h) Amount of Each Payment Dollars \$ (i) Balance Due Date (j) Insurance Full Replacement Cost Dollars \$

(10) Additional Provisions

See Schedule  
The parties agree to be bound by the provisions of the Schedule to the Charge/Mortgage

Continued on Schedule ☒

(11) Charge(s) The chargeor hereby charges the land to the chargee ~~and that the chargee shall not be bound by the provisions of the Standard Charge Terms~~ and that

The chargeor(s) acknowledge(s) receipt of a true copy of this charge

Name(s) Signature(s) Date of Signature Y M D  
GGS HOTEL HOLDINGS CANADA INC. Per: 1990  
Name: Title:

We have the authority to bind the Corporation. Per: 1990  
Name: Title:

(12) Spouse(s) of Chargeor(s) I hereby consent to this transaction Name(s) Signature(s) Date of Signature Y M D

(13) Chargeor(s) Address for Service

(14) Chargee(s)  
CENTURY LEASING SYSTEM, INC.

(15) Chargee(s) Address for service

(16) Assessment Roll Number of Property City Mun Map Sub Per  
25 18 020 122 00300

(17) Municipal Address of Property  
116 King Street West  
Hamilton, Ontario  
L8P 4V2

(18) Document Prepared by:  
Roger J. Pead  
Fraser & Beatty  
The Madison Centre  
4950 Yonge Street, 23rd Fl  
North York, Ontario M2N 6K1

Fees	
Registration Fee	
Total	

3PWH0390

SCHEDULE

THIS IS A SCHEDULE to a Charge/Mortgage of Land dated  
• , 1990 made between GGS Hotel Holdings Canada Inc.  
identified in Box (11) on page 1 of the said Charge/Mortgage and  
Century Leasing System, Inc. identified in Box (14) on page 1 of  
the said Charge/Mortgage.

CHARGE OF LEASEHOLD PROPERTY  
LAND TITLES ACT

THIS INDENTURE made the as of the 15th day of June, One  
Thousand Nine Hundred and Ninety.

B E T W E E N:

GGS HOTEL HOLDINGS CANADA INC.,

(hereinafter called the "Chargor")

OF THE FIRST PART

- and -

CENTURY LEASING SYSTEM, INC., (hereinafter  
called the "Chargee")

OF THE SECOND PART

WHEREAS the Chargor has agreed to give this charge as security for  
payment to the Chargee of indebtedness of the Chargor to the Chargee in an  
amount not to exceed the sum of TWENTY-THREE MILLION, NINE HUNDRED  
AND FIFTY THOUSAND DOLLARS (\$23,950,000.00), together with interest  
thereon from and after demand for payment of principal at the rate of Twenty  
Percent (20%) per annum, and together with all fees, costs and expenses of the  
Chargee in regard to such amount (such amount, fees, costs, expenses and interest  
being hereinafter referred to as the "said Indebtedness");

AND WHEREAS in this Charge, unless the context indicates  
otherwise, the following words and phrases shall have the following meanings:

"Business Day" means a day other than Saturday, Sunday or a statutory holiday in  
the Province of Ontario;

"Chargor's Leasehold Interest" means the leasehold interest demised under the  
Ground Lease, which was assigned to the Chargor by assignment dated April 15,  
1989 and registered in the Land Registry Division as Instrument No. 250511L.T.;

"Ground Lease" means the lease dated as of May 3, 1983 from The Corporation of  
the City of Hamilton, as lessor, to Lakeview Development Ltd., as lessee, which



was registered in the Land Registry Division on January 31, 1984 as Instrument No. 271066C.D. and includes any amendments thereto;

"Improvements" means all buildings, erections, machinery, plant, improvements and installations now within or upon or which may be built or placed within or upon the Mortgaged Property, subject to the right, title and interest, if any, to leasehold improvements of the lessor or any tenants under Leases;

"Land Registry Division" means the Land Registry Office for the Land Titles Division of Wentworth (No. 62);

"Leases" in regard to tenants of the Mortgaged Property shall include present and future leases and agreements to lease and derivative leases and agreements to lease, but shall not include the Ground Lease;

"Mortgaged Property" means all right, title and interest of the Chargor in the Improvements and the leasehold lands and premises described in Schedule "A" hereto and leased pursuant to the Ground Lease, including, without limiting the foregoing, all easements, benefits, rights, privileges and appurtenances pertaining thereto and its undertaking and all of its property and assets used in connection with the business carried on by the Chargor on said leasehold lands and premises;

"Permitted Encumbrances" means the agreements, rights and interests as set out in Schedule "B" hereto; and

"Tenants" under Leases of the Mortgaged Property shall include sub-tenants under derivative leases and agreements to lease but shall not include the Chargor under the Ground Lease.

WITNESS that in consideration of the premises and of other valuable consideration and of the sum of TWO (\$2.00) DOLLARS of lawful money of Canada, now paid by the Chargee to the Chargor, the receipt whereof is hereby acknowledged, the Chargor does grant, mortgage and charge to the Chargee, its successors and assigns forever, the Mortgaged Property as security for the said Indebtedness and the performance of all obligations hereunder, all as hereinafter set out.

1. Last Day Excepted. The last day of the term created by the Ground Lease is hereby excepted out of the mortgage and charge hereby made, but the Chargor shall stand possessed of the reversion thereby remaining upon trust for the Chargee or for the nominee of the Chargee for the purpose of this Charge and will assign and dispose thereof as the Chargee or its nominee shall for such purposes direct and upon any sale or sales of the Chargor's Leasehold Interest or any part thereof in the due exercise of the powers hereby granted. The Chargee, for the purpose of vesting the residue of such term or terms in any purchaser or purchasers thereof, shall be entitled by transfer or agreement to nominate such purchaser or purchasers or any other person or persons as a new trustee or trustees of the aforesaid residue of the term of the Ground Lease in place of the Chargor and upon any such nomination, the same shall vest forthwith in the new trustee or trustees as nominated and the Chargor further authorizes and empowers the Chargee to appoint any other person or body corporate as substitute attorney for the Chargee for all or any of the said purposes.

2. Proviso. This Charge shall be payable on demand. PROVIDED this Charge to be void upon payment of the said Indebtedness as and when the said Indebtedness shall become due and payable, with interest after default in payment thereof at the rate of interest applicable to the said Indebtedness as aforesaid, and taxes and performance of statute labour, and upon the observance and performance of all covenants, provisos and conditions herein contained. It is agreed that nothing herein contained shall operate so as to create any merger, rebate or discharge of any debt owing to the Chargee or of any lien, bond,

promissory note, bill of exchange or other security held by or which may hereafter be held by the Chargee from the Chargor or from any other person or persons whomsoever, and these presents shall not in any way prejudicially affect any security held or which may hereafter be held by the Chargee for the said Indebtedness or any part or parts thereof or of the liability of any endorser or any other person or persons upon any such bill, bond, bill of exchange, promissory note or other security or contract or any renewal or renewals thereof held by the Chargee for or on account of the said Indebtedness or any part or parts thereof, nor shall the remedies of the Chargee in respect thereof be prejudiced or delayed in any manner whatsoever by the taking of this Charge.

3. Application of Payments. It is further agreed that, subject to Subsection 4.06(g) of the Ground Lease, any and all payments made in respect of the said Indebtedness and the moneys or other proceeds realized from any securities held therefor (including this Charge) may be applied, and reapplied notwithstanding any previous application, on such part or parts of the said Indebtedness as the Chargee may see fit.

4. Covenants of Chargor as to Ground Lease. The Chargor covenants with the Chargee that the Ground Lease is at the time of the execution and delivery of this Charge, good, valid and subsisting in law and is not surrendered, forfeited or void, and that the rents and covenants therein reserved and contained have been duly paid and performed up to the date hereof, and that the Chargor now has in itself good right, full power and lawful and absolute authority to charge the Mortgaged Property according to the true intent and meaning of these presents and that the same are good and valid and in full force and effect.

5. Chargor's Covenant to Comply and Chargee's Right to Perform. The Chargor covenants and agrees that it will at all times fully perform and comply with all agreements, covenants, terms and conditions imposed upon or assumed by it under the Ground Lease, and any Lease, or any agreement, assignment, contract or undertaking affecting or relating to the Mortgaged Property or any part thereof or the said Indebtedness and any of the Permitted Encumbrances. If the Chargor shall fail so to do the Chargee may (but shall not be obliged to) take any action the Chargee deems necessary or desirable to prevent or to cure any default by the Chargor in the performance of or compliance with any of the Chargor's covenants or obligations under such instruments. Upon receipt by the Chargee from or on behalf of the lessor under the Ground Lease or any other party of any written notice of default by the Chargor, the Chargee may rely thereon and take any action as aforesaid to cure such default. Notwithstanding the foregoing, the Chargor shall be permitted to dispute any default in good faith and the Chargee agrees not to take any action to cure such default as long as this Charge, and the Chargee's rights under this Charge, are not prejudiced or jeopardized by such inaction. The Chargor hereby expressly grants to the Chargee and agrees that the Chargee shall have the absolute and immediate right (subject to the rights of any Tenants under Leases of the Mortgaged Property) to enter in and upon the Mortgaged Property or any part thereof to such extent and as often as the Chargee, in its sole discretion deems necessary or desirable, in order to prevent or to cure any such default by the Chargor. The Chargee shall not only by reason of such entry become a mortgagee in possession. The Chargee may pay and expend such sums of money as the Chargee in its sole discretion deems necessary for any such purpose, and the Chargor hereby agrees to pay to the Chargee, immediately upon notification by the Chargee and without demand, all such sums so paid and expended by the Chargee, together with interest thereon at the rate aforesaid from the date of each such payment. All sums so paid and expended by the Chargee, and the interest thereon at the rate aforesaid, shall be added to the said Indebtedness and shall be secured by the lien of this Charge upon the Mortgaged Property.

6. Chargor's Covenants as to Dealing with Ground Lease. The Chargor further covenants and agrees:



- (a) that it will not surrender the Ground Lease nor terminate or cancel the Ground Lease without the prior written consent of the Chargee, such consent not to be unreasonably withheld or delayed, and that it will not without such consent modify, change, supplement, alter or amend the same;
- (b) that no release or forbearance of any of the Chargor's obligations under the Ground Lease, shall release the Chargor from any of its obligations under this Charge, including the obligations with respect to the payment of rent as provided for in the Ground Lease and the performance of all of the terms, provisions, covenants, conditions and agreements contained in the Ground Lease, to be kept, performed and complied with by the Chargor in any capacity; and
- (c) that it will deliver forthwith to the Chargee any permitted modifications to the Ground Lease or any further permitted sub-lease and any other material documents relating thereto or provided for therein including, without limitation, any plans, drawings, notices, rent rolls or agreements.

7. Incorporation of Statutory Covenants. It is agreed that in accordance with subsection 7(3) of the Land Registration Reform Act, 1984, S.O. 1984, Chapter 32, as amended from time to time, the covenants deemed to be included in a charge by subsection 7(1) of such Act are expressly excluded from this Charge. It is further agreed that to the extent permitted by law the covenants and release set out in items numbered 1, 3, 6, 7, 8, 10, 12 and 14 of Column two of Schedule B of the Short Forms of Mortgages Act, R.S.O. 1980, Chapter 474, as amended, are hereby adopted and incorporated herein by reference as if set out herein subject to the extent that the same are expressly modified by the terms of this Charge and shall be binding between the parties according to their terms as so modified and shall be interpreted with such changes as are set out in the covenants and release contained herein which are similar to or identical to the forms thereof in Column One of Schedule B of the said Act and shall be an extension of such forms last mentioned.

8. Chargor's Covenants as to Title, etc. The Chargor covenants with the Chargee that:

- (a) the Chargor at the time of delivery hereof is and stands solely, rightfully and lawfully possessed of and entitled to a good and subsisting title to the Chargor's Leasehold Interest for the term of the Ground Lease subject to any right of re-entry therein, and free of all claims, interests or estates superior to the Ground Lease, save only the reversion to the lessor thereunder on expiry of the term of the Ground Lease and those Permitted Encumbrances to which the Mortgaged Property is subordinate;
- (b) the Chargor has the right to charge the Mortgaged Property; and
- (c) on default, the Chargee may peaceably and quietly enter upon and use, occupy, possess and enjoy the Mortgaged Property, free from all encumbrances, liens and charges, without hindrance, interruption or denial of the same by the Chargor or by any other person or persons, save only the reversion to the lessor under the Ground Lease on expiry of the term thereof and the Permitted Encumbrances.

9. Covenant to Pay; Further Assurances. The Chargor covenants with the Chargee that the Chargor will pay the said Indebtedness, and observe the above proviso; and that the Chargor has done no act to encumber the Chargor's Leasehold Interest and the Mortgaged Property save as to Permitted Encumbrances.



The Chargor shall make, execute and deliver to the Chargee such further and other reasonable conveyances and assurances as may be required to fully and effectually carry out the true intention and meaning of this Charge and the terms, conditions, provisions and agreements contained herein and the reasonable costs to the Chargee of the aforesaid with interest as herein provided shall be added to the said Indebtedness.

10. Insurance. The Chargor further covenants and agrees that it shall, at the Chargor's full cost and expense, insure during the continuance of this Charge and keep insured the Improvements upon or forming part of the Mortgaged Property (other than trade fixtures and equipment of Tenants) insured in the names of the Chargor, the Chargee as first chargee and the lessor under the Ground Lease in an amount not less than One Hundred (100%) per cent of their full replacement cost against all loss or damage by fire and all other perils or risks including, without limiting the generality of the foregoing, tempest, tornado, cyclone, lightning, hail, explosion, riot and civil commotion, damage from aircraft and vehicles and smoke damage. The Chargor shall also at the Chargor's full cost and expense and for the benefit of the Chargor and the Chargee as first chargee, maintain public liability insurance, hazard insurance, builder's all risk insurance (as applicable), rental insurance in an amount equal to one year's aggregate gross rental under the Ground Lease and of Tenants of the Mortgaged Property and boiler, machinery and pressure apparatus insurance (which shall include loss or damage caused by rupture of steam pipes). All policies of insurance shall be written in companies satisfactory to the Chargee, acting reasonably, and in such form acceptable to the Chargee, acting reasonably. Such policies or, at the option of the Chargee, certificates thereof shall be delivered to the Chargee with evidence satisfactory to the Chargee that the premium thereon has been paid not less than fifteen (15) days prior to the expiration of any then current policy. No such policies shall contain any percentage co- insurance clause. All policies shall be endorsed with the Chargee's mortgage clause. Loss payable under such policies of insurance shall be payable to the Chargee as first chargee and the Chargor. All insurance monies payable in the event of loss or damage to the Mortgaged Property shall be dealt with and made payable as set out in the Ground Lease, and particularly Section 4.06 thereof. If the Chargor should neglect to insure and keep insured the Mortgaged Property as herein provided, the Chargee shall be entitled but shall not be obligated to insure and pay the premiums thereon and such premiums shall be secured by this Charge and be repaid by the Chargor forthwith on demand by the Chargee and, in default thereof, shall bear interest at the rate herein provided and shall be added to the said Indebtedness. In the event that the said Indebtedness shall become payable then the Chargee may apply any insurance funds in reduction of the said Indebtedness, subject to the provisions on the payment of proceeds of insurance as set out in the Ground Lease and in particular in Section 4.06 thereof.

11. Taxes. The Chargor covenants that it will pay or cause to be paid all taxes, rates and other impositions whatsoever already charged or hereafter to be charged by any authority on the Mortgaged Property as and when they shall fall due and that it will within one month from the date fixed for the payment of the last installment of such taxes, rates and other impositions for the year produce to the Chargee, upon the request of the Chargee, evidence that the same have been paid.

12. Fixtures. All Improvements, fixed or otherwise, hereafter placed upon, within or as an addition to the Mortgaged Property or any part thereof shall, immediately on being so placed, become fixtures and a part of the Mortgaged Property and form a part of this security subject to the right, title and interest, if any, to the leasehold improvements of Tenants under Leases, provided that the foregoing shall not prejudice any rights of The Corporation of the City of Hamilton under the Ground Lease in respect of the Improvements.

13. Attornment. The Chargor hereby attorns to and becomes a tenant of the Mortgaged Property to the Chargee from year to year during the term of this Charge, the legal relation of landlord and tenant being hereby constituted between the Chargee and Chargor. It is agreed that neither the existence of this clause nor anything done by virtue hereof shall render the Chargee a mortgagee in possession, or accountable for any moneys except those actually received by it, and that the Chargee may on default of payment or on breach of any of the covenants in this Charge contained enter on the Mortgaged Property and determine the tenancy hereby created without notice.

14. Distress. Provided that the Chargee may distrain for arrears of any sums payable hereunder. The Chargor waives the right to claim exceptions, and agrees that the Chargee shall not be limited in the amount for which it may distrain.

15. Quiet Possession. Provided that until default of payment, the Chargor shall have quiet possession of the Mortgaged Property.

16. Power of Sale. Provided that the Chargee on default of payment for at least fifteen (15) days may on at least thirty-five (35) days' notice enter on and lease and/or sublease the Mortgaged Property or on default of payment for at least fifteen (15) days may on at least thirty-five (35) days' notice sell the same. Such notice shall be given to such persons and in such manner and form and within such time as provided under Part III of the Mortgages Act, R.S.O. 1980, Chapter 296, as amended from time to time. In the event that the giving of such notice shall not be required by law or to the extent that such requirements shall not be applicable, it is agreed that notice may be effectually given to the Chargor as provided in paragraph 28 hereunder and to any other persons entitled to notice by leaving it with a person at the property of such person if occupied, or by placing the same on some portion thereof if unoccupied, or at the option of the Chargee, by mailing it in a registered letter addressed to such person at his, her or its last known address, or by publishing it once in a newspaper published in the City of Hamilton; and such notice shall be sufficient although not addressed to any person or persons by name or designation, and notwithstanding that any person to be affected thereby may be unknown, unascertained or under disability. Without prejudice to the statutory powers of the Chargee under the foregoing proviso, in case default be made in the payment of the said Indebtedness or any part thereof and such default continues for two (2) months after any payment falls due, then the Chargee may exercise the foregoing powers of entering, leasing or selling or any of them without any notice, it being understood and agreed, however, that if the giving of notice by the Chargee shall be required by law then notice shall be given to such persons and in such manner and form and within such time as so required by law; and the Chargee may sell the Mortgaged Property or any part thereof by public auction or private sale for such price as can reasonably be obtained therefor and on such terms as to credit and otherwise and with such conditions of sale and stipulations as to title or evidence of commencement of title or otherwise as it shall in its discretion deem proper, and in the event of any sale on credit or for part cash and part credit, the Chargee shall only be accountable for or charged with any moneys actually received; and the Chargee may rescind or vary any contract of sale and may buy in and re-sell the Mortgaged Property or any part thereof without being answerable for loss occasioned thereby; and the Chargee may separately sell all or any part of the Improvements and the purchaser shall have all necessary access for severing and removal; and no purchaser or lessee shall be bound to enquire into the legality, regularity or propriety of any sale or lease or be affected by notice of any irregularity or impropriety; and no lack of default or want of notice or other requirement or any irregularity or impropriety of any kind shall invalidate any sale or lease hereunder; and the Chargee may sell or lease without entering into actual possession of the Mortgaged Property and when it desires to take possession it may break locks and bolts and while in possession shall be accountable only for moneys which are actually received by it; and subject to compliance with the provisions of the Planning Act, 1983, as amended from



time to time, sales may be made from time to time of parts of the Mortgaged Property to satisfy any portion of the principal or other sums forming part of the said Indebtedness owing or in arrears leaving the principal or the residue thereof secured hereunder on the remainder of the Mortgaged Property or may take proceedings to sell and may sell the Mortgaged Property for part of the said Indebtedness subject to the balance of the said Indebtedness not yet due at the time of the said sale; and the Chargor hereby appoints the Chargee its true and lawful attorney and agent to make application under the said Planning Act and to do all things and execute all documents to effectually complete such sale; and the Chargee may lease or take sale proceedings hereunder notwithstanding that other mortgage proceedings have been taken or are then pending; and the proceeds of any sale or lease hereunder may be applied first in payment of any costs, charges and expenses (as between a solicitor and his own client) incurred in taking, recovering, maintaining or keeping possession of the Mortgaged Property or in making sales, leases and conveyances as aforesaid or by reason of non-payment or procuring payment of any of the said Indebtedness and in the next place to pay and satisfy the said Indebtedness and after full payment and satisfaction of the said Indebtedness the balance, if any, of such proceeds shall be paid to the Chargor and any encumbrancers on title to the Mortgaged Property as their interests may appear.

17. Appointment of Receiver. In addition to or in conjunction with any other rights of the Chargee hereunder, whenever the security hereby constituted shall have become enforceable, and so long as it shall remain enforceable, the Chargee may proceed to realize the security hereby constituted and to enforce its rights by entry or by the appointment by instrument in writing of a receiver or receivers of the Mortgaged Property or any part thereof or any interest of the Chargor therein and such receiver or receivers may be any person or persons, whether an officer or officers or employee or employees of the Chargee or not and the Chargee may remove any receiver or receivers so appointed and appoint another or others in his or their stead; or by proceedings in any court of competent jurisdiction for the appointment of a receiver or receivers or for sale of the subject matter of such security or any part thereof; or by any other action, suit, remedy or proceeding authorized or permitted hereby or by law or by equity; and may file such proofs of claim and other documents as may be necessary or advisable in order to have its claim lodged in any bankruptcy, winding-up or other judicial proceedings relative to the Chargor. Any such receiver or receivers so appointed shall have power to take possession of the Mortgaged Property or any part thereof and to carry on the business of the Chargor and to borrow money required for the maintenance, preservation or protection of the Mortgaged Property or any part thereof and the carrying on of the business of the Chargor and to further charge the Mortgaged Property in priority to this Charge as security for money so borrowed, and to sell, lease or otherwise dispose of the whole or any part of the Mortgaged Property on such terms and conditions and in such manner as he shall determine. In exercising any powers any such receiver or receivers shall act as agent or agents for the Chargor and the Chargee shall not be responsible for his or their actions.

The Chargor agrees to pay all reasonable expenses incurred by the Chargee in connection with the reimbursement for any disbursements made by a receiver or receivers appointed hereunder and payment of all fees of a receiver or receivers appointed hereunder and the solicitors' costs incurred by a receiver or receivers as between a solicitor and his own client. The amount of all of the foregoing expenses and costs shall be deemed to be part of the moneys hereby secured. The term "receiver" as used herein includes a receiver and manager.

18. Satisfaction of Liens, Encumbrances. It is agreed between the parties hereto that the Chargee may pay and satisfy the whole or any part of any liens, taxes, rates, charges, rents or encumbrances which have priority over this Charge now or hereafter existing in respect of the Mortgaged Property or in respect of the said Indebtedness. Such payments together with costs, charges and expenses (as between a solicitor and his own client) which may be incurred in taking,



recovering, maintaining and keeping possession of the Mortgaged Property and of inspecting the same, and of negotiating this Charge, investigating the title and preparing and registering this Charge and other necessary instruments and generally in any other proceedings taken in connection with or to realize the said Indebtedness or this Charge or the discharge thereof shall be a part of the said Indebtedness hereby secured and shall be secured by the lien of this Charge on the Mortgaged Property and shall be payable forthwith after written notice to the Chargor with interest at the rate aforesaid. In the event of the Chargee satisfying any such lien, charge or encumbrance it shall be entitled to all the equities and securities of the person or persons so paid off and is hereby authorized to retain any discharge thereof without registration for so long as it may think fit so to do.

19. Release of Mortgaged Property. The Chargee may at its discretion subject to the provisions of the Planning Act aforesaid at all times release any part or parts of the Mortgaged Property either with or without any sufficient consideration therefor, without responsibility therefor and without thereby releasing any other part of the same or any person from this Charge or from any of the covenants herein contained and without being accountable to the Chargor for the value thereof or for any money except that actually received by the Chargee, and the Chargee may grant time, renewals, extensions, indulgences, releases and discharges to, may take securities from and give the same and any and all existing securities up to, may abstain from taking securities from or from perfecting securities of, may accept compositions from, and may otherwise deal with the Chargor and all other persons and securities as the Chargee may see fit without prejudicing the rights of the Chargee under this Charge.

20. Dealing with Mortgaged Property. Provided that no sale or other dealing by the Chargor with its interest in the Mortgaged Property or any part thereof shall in any way change the liability of the Chargor (save as hereinafter otherwise set out) or in any way alter the rights of the Chargee as against the Chargor or any other person liable for payment of the said Indebtedness or any part thereof.

21. Good Condition and Repair. The Chargor covenants with the Chargee that it will keep or cause to be kept the Mortgaged Property in good condition and repair according to the nature and use thereof and that the Chargee may whenever it deems necessary by its agent enter upon and inspect the same subject to any rights of tenants under leases of the Mortgaged Property, and the reasonable cost of such inspection shall be a part of the said Indebtedness and shall be secured by the lien of this Charge on the Mortgaged Property. The Chargee may make such repairs as it deems necessary after having provided the Chargor with prior notice of its intention to make such repairs and the cost thereof shall be payable by the Chargor forthwith and shall be a part of the said Indebtedness and shall be secured by the lien of this Charge on the Mortgaged Property and shall be payable forthwith after written notice to the Chargor with interest at the rate herein set out until paid.

The Chargor covenants with the Chargee that it will not make or permit any structural alterations or additions to the Mortgaged Property without the prior written consent of the Chargee, such consent not to be unreasonably withheld or delayed.

22. No Merger. Provided that the taking of a judgment or judgments on any of the covenants herein contained shall not operate as a merger of the said covenants or affect the Chargee's right to interest at the rate and times applicable and any such judgment may provide that interest thereon shall be computed at the same rate and in the same manner as herein applicable until the said judgment shall have been fully paid and satisfied.

23. Waiver, etc. No waiver, condonation or excusing by the Chargee of any default, breach or other non-performance by the Chargor at any time or times

in respect of any covenants, agreement, proviso or condition hereof shall operate as a waiver by the Chargee of any subsequent default, breach or nonperformance nor so as to defeat or affect in any way the rights of the Chargee herein in respect of any such subsequent default, breach or non-performance.

24. Meanings. In construing these presents the words "Chargor" and the personal pronoun "he" or "his" relating thereto and used therewith, shall be read and construed as "Chargor" or "Chargors", "he", "she", "it", or "they", and "his", "her", "its", or "their", respectively, as the number and gender of the person or persons referred to in each case require, and the number of the verb agreeing therewith shall be construed as agreeing with the said word or pronoun so substituted; all rights, advantages, privileges, immunities, powers and things hereby secured to the Chargee shall be equally secured to and exercisable by its successors and assigns; all covenants and liabilities entered into or imposed hereunder upon the Chargor shall be equally binding upon its successors and permitted assigns; in regard to such successors and permitted assigns all such covenants, liabilities and obligations shall be joint and several; time shall be of the essence hereof; and all provisions hereof shall have effect notwithstanding any statute to the contrary.

25. Receipt of Copy. The Chargor acknowledges receipt of an executed copy of this Charge.

26. Construction Costs and Liens. The Chargor covenants to pay and discharge as they become due and payable all amounts, charges and costs which are the obligation of the Chargor in regard to any construction, alterations, additions, repair or demolition of the Improvements or any part thereof under which a third party claims or could claim a lien on the Mortgaged Property pursuant to the provisions of the Construction Lien Act, R.S.O. 1983, as amended from time to time.

27. Construction and Choice of Law. This Charge shall be construed in accordance with the laws of the Province of Ontario and for the purposes of any legal proceedings this Charge shall be deemed to have been made in the said Province and to be performed there, and the Courts of that Province shall have jurisdiction over all disputes which may arise under this Charge, provided always that nothing herein contained shall prevent the Chargee from proceeding at its election against the Chargor in the Courts of any other Province or country. Notwithstanding that any provision or term of this Charge shall be found by any court of competent jurisdiction to be void or unenforceable, the other provisions and terms of this Charge shall continue to be binding and enforceable by and as between the parties and their successors and assigns or permitted assigns.

28. Notices. Any notice or other communication (hereinafter in this Paragraph 28 referred to as a "Communication") to be made or given in connection with this Charge/Mortgage of Land shall be made or given in writing and may be made or given by personal delivery or by registered mail or by facsimile transmission addressed to the recipient as follows:

GGG HOTEL HOLDINGS CANADA INC.  
Sheraton Hamilton Hotel  
Suite 306  
116 King Street West  
Hamilton, Ontario  
L8P 4V3

Attention: General Manager  
Telecopier No.: (416) 529-2296

with a copy to:



McMillan Binch  
Barristers and Solicitors  
P.O. Box 38, South Tower  
Royal Bank Plaza  
Toronto, Ontario  
M5J 2V7

Attention: David McCordic  
Telecopier No.: (416) 865-7048

CENTURY LEASING SYSTEM, INC.  
International Marketing Department No. 2  
9th Floor, World Trade Centre Building  
4-1, 2 Chrome  
Hamamtsu-Cho  
Minato-ku  
Tokyo 105 Japan

Telecopier No.: 813-593-3336

with a copy to:  
Fraser & Beatty  
39th Floor  
P.O. Box 100  
1 First Canadian Place  
Toronto, Ontario  
M5X 1B2

Attention: H. A. Zimmerman  
Telecopier No.: (416) 863-4592

or such other address or individual as may be designated by notice by any party to the other. Any Communication made or given by personal delivery shall be conclusively deemed to have been given on the day of actual delivery thereof, or if made or given by registered mail, on the eighth Business Day following the deposit thereof in the mail, or if made by facsimile transmission, on the first Business Day following the date of transmission. If the party giving any Communication knows or ought reasonably to know of any difficulties with the postal system which might affect the delivery of mail, any such Communication shall not be mail but shall be made or given by personal delivery or facsimile transmission.

29. Payment of Interest. Notwithstanding anything herein contained, payment by the Chargor of interest on the said Indebtedness at the current rate or rates at which said Indebtedness may bear interest for any period of time as specified herein shall constitute satisfaction of interest on this Charge for the equivalent period of time.

30. Default and Acceleration. Upon any default hereunder, the Chargee may declare all of said Indebtedness to be due and payable upon demand and notice to the Chargor and the Chargor shall pay said Indebtedness immediately, failing which the Chargee may pursue its remedies.

31. Assignment of Non-Disturbance Agreements, etc. The Chargor hereby assigns to the Chargee all right, title and interest in and to the benefit of any non-disturbance, attornment or like agreement to which the Chargor is or becomes a party or of which it is or becomes an assignee or howsoever. Any such agreement shall be in form and substance satisfactory to the Chargee acting reasonably.



32. Election of Remedies. The Chargee shall have all the rights and remedies herein contained and available at law or in equity, which rights and remedies shall be cumulative and may be pursued separately, successively or concurrently at its sole discretion. The exercise or failure to exercise any of the same shall not constitute a waiver or release thereof or of any other right or remedy, and the same shall be non-exclusive.
33. Headings. The captions, headings and arrangements used herein are for convenience only and do not in any way affect, limit, amplify or modify the terms and provisions hereof.
34. Interest on Sums Secured. Interest shall be payable at the rate provided herein on any sum secured hereby from the date such is due until it is fully paid and such interest shall be compounded and itself bear interest if not paid prior to the next date for calculation of interest. All such interest and compound interest shall be a charge upon the Mortgaged Property.
35. Discharge. The Chargee shall have a reasonable time after payment of the moneys secured hereby in full and performance of all obligations hereunder within which to prepare and execute a discharge of this Charge. All legal and other expenses for the preparation and execution of any such document shall be paid by the Chargor.
36. Arbitration Proceedings. The Chargor shall promptly notify the Chargee of any request for arbitration proceedings pursuant to the Ground Lease and shall keep the Chargee reasonably advised of all material developments during the course of said proceedings and the final determination thereof.
37. Proofs of Payment; Certificates. The Chargor shall obtain and provide to the Chargee upon demand proof of payment of all items which are required to be paid by the Chargor pursuant to the Ground Lease and a certificate of the Chargor as to no default under the Ground Lease.
38. Subleases. The Chargor shall not, without the prior consent of the Chargee, sell, assign, transfer, mortgage or pledge or otherwise dispose of or encumber, whether by operation of law or otherwise, any sublease of space in any building now or hereafter constituting a portion of the Mortgaged Property, or any rents, issues or profits issuing from the Mortgaged Property. Notwithstanding the foregoing provisions of this paragraph 38, the Chargor may sublease or agree to sublease any retail space constituting a portion of the Mortgaged Property, and may alter, vary or amend, and may accept a surrender of, any such sublease without consent of the Chargee, provided that any such sublease or any amendment or surrender thereof, is made on terms and conditions that are not less favourable or desirable than those which a prudent landlord would require for the premises to be subleased.
39. Prepayments of Rent. The Chargor shall not prepay any rent pursuant to the Ground Lease without the prior consent of the Chargee.
40. Ground Lease. Notwithstanding any provision contained to the contrary herein, (i) it is understood and agreed that this Charge is subject to the rights of The Corporation of the City of Hamilton, as lessor, under the Ground Lease and in particular to the right of The Corporation of the City of Hamilton to acquire title to the Improvements as defined in the Ground Lease upon expiration or termination thereof in accordance with, and subject to, the provisions and conditions of the Ground Lease and (ii) it is understood and agreed that the Chargee shall not be entitled to exercise any of its rights in respect of parts only of the Mortgaged Property, but shall exercise its rights in respect of the Mortgaged Property as one entity.

41. Interface Agreement. Notwithstanding any provision contained to the contrary herein, in the event that the Chargee shall succeed to the interest of the Chargor in the Mortgaged Property by way of foreclosure or otherwise take possession thereof, or if the Mortgaged Property is sold pursuant to a power of sale hereunder, it is understood and agreed that the Chargee or any purchaser succeeding to the interest of the Chargor in the Mortgaged Property shall assume all the terms and obligations of the Interface Agreement, which Agreement is registered in the Land Registry Office for the Land Titles Division of Wentworth (No. 62) as Instrument No. 161659LT and any agreement, lease or sublease contemplated by the said Interface Agreement.

IN WITNESS WHEREOF the Chargor has executed this Indenture under seal.

GGG HOTEL HOLDINGS CANADA INC.

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:

We have authority to bind the corporation

SCHEDULE "A"

Parcel 1-2, Section W-39(c), City of Hamilton, Regional Municipality of Hamilton-Wentworth, being part of Lots 1 and 2 and the unnumbered lot in Block 1, Parts of Lots 1 and 2 and the unnumbered lot in the Block bounded by King, Park, Market and MacNab Streets all according to DAVID KIRKENDALL SURVEY registered in the Land Registry Office for the Registry Division of Wentworth as Plan No. 39; and Part of Park Street immediately east of the said Block 1 (said Park Street now closed by the City of Hamilton By-Law No. 81-14 dated December 9, 1980 and registered in the said Land Registry Office as Instrument No. 174954C.D.) and which said parcel may be more particularly described as all of Part 1 according to a reference plan received and deposited in the said Land Registry Office as Plan 62R-7454, being the whole of said parcel.



SCHEDULE "B" TO A CHARGE BETWEEN  
GGS HOTEL HOLDINGS CANADA INC. AS CHARGOR  
AND CENTURY LEASING SYSTEM, INC. AS CHARGEE

PERMITTED ENCUMBRANCES

Original Development Agreement - Instrument  
No. 199965 AB dated September 3, 1970 and  
registered on March 30, 1971 between  
the Corporation of the City of Hamilton  
(the "City") and Greater Hamilton Developers  
Limited ("Greater Hamilton") and Yale  
Properties Limited ("Yale")

Fifth Amendment to the Original Development  
Agreement between the City, Greater  
Hamilton and Yale - Instrument No. 168766 CD  
dated September 1, 1980 and registered on October 2, 1980

Ground Lease between the City and Lakeview  
Development Limited ("Lakeview") - Instrument  
No. 271066 CD dated May 3, 1983  
and registered on January 31, 1984

Hotel Development between the City and Lakeview  
- Instrument No. 292836 CD dated  
November 19, 1981 and registered on September 17, 1984

Amendment to Hotel Development Agreement  
between the City and Lakeview - Instrument  
No. 292837 CD dated August 3, 1982 and  
registered September 17, 1984

Closing Agreement between the City and  
Lakeview - Instrument No. 292838 CD dated  
May 3, 1983 and registered on September 17, 1984

Planning Act Agreement between the City and  
Lakeview - Instrument No. 292839 CD dated  
May 3, 1983 and registered on September 17, 1984

Amendment to Hotel Development Agreement  
between the City and Lakeview - Instrument  
No. 292840 CD dated July 29, 1983 and  
registered September 17, 1984

Application for Leasehold Interest -  
Instrument No. 153110 LT registered  
December 31, 1984

Interface Agreement between City, Lakeview,  
Second Phase Civic Square Limited ("Second Phase")  
and Fourth Phase Civic Square Limited ("Fourth Phase")  
Instrument No. 161659 LT dated July 30, 1984 and  
registered on July 18, 1985

Assignment of Interface Agreement between  
Lakeview and Canada Life Assurance Company -  
Instrument No. 164362 LT dated August 26, 1985  
and registered September 3, 1985 (Reassigned by No. 250505 LT).

The Roof Canopy Agreement between the Regional  
Municipality of Hamilton-Wentworth,  
the City, Lakeview, and King Street Partnership  
- Instrument No. 189019 LT dated June 10, 1985  
and registered on November 10, 1986

- 2 -

Amendment to Development Agreement to change the name of Hotelier from ITT Industries of Canada Ltd. to Lakeview Development Ltd. between the City, Lakeview and King Street Partnership - Instrument No. 221565 LT dated August 1, 1985 and registered April 14, 1988

Agreement between Lakeview, King Street Partnership and the City re mortgage financing - Instrument No. 221566 LT dated December 3, 1985 and registered April 14, 1988

Non-Disturbance Agreement between Royal Trust of Canada and Canada Life Assurance Company Instrument No. 221567 LT dated January 1, 1985 and registered April 14, 1988

Non-Disturbance Agreement between Royal Trust Corporation of Canada, Excelsior Life Insurance Company, Royal Trust Corporation of Canada as Trustee, Dofasco Employees Saving and Profit Sharing Fund, The National Victoria and Grey Trust Company, First City Trust Mortgage Company and The Canada Life Assurance Company - Instrument No. 221568 LT dated January 1, 1985 and registered April 14, 1988

Citi-Bank Release Agreement between Citi-Bank Canada, the City and Lakeview - Instrument No. 250287 LT dated May 12, 1986 and registered on April 14, 1989

The Extention of Time and Setback Agreement between the City and Lakeview - Instrument No. 250288 LT dated April 14, 1989 registered on April 14, 1989

The Banquet Facilities Amending Agreement between the City and Lakeview - Instrument No. 250289 LT dated December 1, 1986 and registered on April 14, 1989

The Sub-basement and Storage Rent Adjustment Agreement between the City and Lakeview - Instrument No. 250290 LT dated November 26, 1986 and registered on April 14, 1989

Reassignment of Interface Agreement No. 164362 LT by Canada Life Assurance Company to Lakeview - Instrument No. 250505 LT registered on April 19, 1989

The Hotel Management Amending Agreement between the City, Lakeview, GGS Hotel Holdings Canada Inc. ("GGS Hotel") and King Street Partnership - Instrument No. 250509 LT dated April 15, 1989 and registered on April 19, 1989

Lease Amending Agreement between the City, Lakeview, First Phase, Second Phase, Fourth Phase, GGS Hotel and King Street Partnership - Instrument No. 250510 LT made as of March 31, 1989 and registered on April 19, 1989

Assignment of Ground Lease between Lakeview, GGS Hotel and the City - Instrument No. 250511 LT dated April 17, 1989 and registered on April 19, 1989

Transfer of Leasehold Parcel from Lakeview to GGS Hotel - Instrument No. 250512 LT dated April 17, 1989 and registered on April 19, 1989

Ground Lease Assumption Agreement between GGS Hotel, Lakeview and the City - Instrument No. 250513 LT dated as of April 15, 1989 and registered on April 19, 1989

Assignment of Interface Agreement between the City, Lakeview, Second Phase, Fourth Phase and GGS Hotel - Instrument No. 250514 LT dated April 17, 1989 and registered on April 19, 1989

Pedestrian Bridge Agreement dated as of April 15, 1989 between GGS Hotel and the City (to be registered on title)

Copps Coliseum Truck Tunnel Agreement between the City and GGS Hotel dated as of April 15, 1989 (to be registered on title)

Pooled Parking Agreement dated as of August 1, 1989 between Fourth Phase, Second Phase and GGS Hotel

The Cost Sharing Agreement dated as of April 15, 1989 between Fourth Phase and GGS Hotel

The Offers to Lease, Agreements to Lease or Leases listed in Appendix "A" hereto, together with any Offers to Lease, Agreements to Lease or Leases to be entered into with tenants of the retail space provided that the rents arising out of such tenancy agreements have been duly assigned to Century Leasing System, Inc.



THIS INDENTURE made as of the 15th day of July, 1990.

B E T W E E N:

GGS HOTEL HOLDINGS CANADA INC.

(hereinafter called the "Mortgagor" and the  
"Lessee")

OF THE FIRST PART

- and -

CENTURY LEASING SYSTEM, INC.

(hereinafter called the "Mortgagee")

OF THE SECOND PART

- and -

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter called the "Lessor")

OF THE THIRD PART

WITNESSETH THAT:

WHEREAS by a ground lease (the "Original Ground Lease") dated as of the 3rd day of May, 1983, the Lessor leased to Lakeview Development Ltd. ("Lakeview") the land therein described, as set out in Schedule "A" attached hereto (the "Leasehold Land"), for and during a term of years to be computed from and inclusive of the 3rd day of May, 1983 to be fully completed and ended on the 31st day of October, 2069 at and under the yearly rental, covenants, conditions and agreements expressed and declared in the Original Ground Lease;

AND WHEREAS the Original Ground Lease was registered on title to the Leasehold Land as Instrument No. 271066 C.D. on January 31, 1984;

AND WHEREAS the Original Ground Lease has been amended, inter alia, by the following Agreements registered on title to the Leasehold Land (the Original Ground Lease, as thereby amended, being herein referred to as the "Ground Lease"):

1. May 3, 1983 Closing Agreement registered as Instrument No. 292838 C.D.
2. May 3, 1983 Planning Act Agreement registered as Instrument No. 292839 C.D.
3. July 29, 1983 Amending Agreement registered as Instrument No. 292840 C.D.
4. Amendment to Development Agreement dated August 21, 1985 and registered as Instrument No. 221565 L.T.
5. The Citibank Agreement dated November 1, 1984 and registered as Schedule "B" to Instrument No. 250287 L.T.
6. Extension of Time and Setback Agreement dated April 14th, 1989 and registered as Instrument No. 250288 L.T.
7. The Banquet Facilities Amending Agreement dated December 1st, 1986, and registered as Instrument No. 250289 L.T.
8. Sub-basement and Storage Rent Adjustment Agreement dated November 26th, 1986 and registered as Instrument No. 250290 L.T.
9. Hotel Management Amending Agreement dated April 15th, 1989 and registered as Instrument No. 250509 L.T.
10. Lease Amending Agreement dated March 31st, 1989 and registered as Instrument No. 250510 L.T.;

AND WHEREAS Lakeview assigned the Ground Lease to the Lessee by an Assignment of Ground Lease registered on title to the Leasehold Land on April 19th, 1989 as Instrument No. 250511 L.T. and Lakeview transferred the Leasehold Land to the Lessee by Transfer/Deed of Land registered on title to the Leasehold Land on April 19th, 1989 as Instrument No. 250512 L.T.;

AND WHEREAS the Lessee entered into a Ground Lease Assumption Agreement registered on title to the Leasehold Land on April 19th, 1989 as Instrument No. 250513 L.T.;

AND WHEREAS the Lessor, Lakeview, Second Phase Civic Square Limited and Fourth Phase Civic Square Limited have entered into an Agreement (the "Interface Agreement") dated as of July 30, 1984 in respect of certain lands, including the Leasehold Land, which Agreement was registered on title to the Leasehold Land as Instrument No. 161659 L.T.;

AND WHEREAS the Lessor and the Mortgagor have entered into a pedestrian bridge agreement (the "Pedestrian Bridge Agreement") dated April 15, 1989, to connect the Improvements (as said term is defined in the Ground Lease, hereinafter, the "Improvements") on the Leasehold Land to the adjacent premises in Lloyd D. Jackson Square by means of a pedestrian bridge above King Street West for access to and from the Trade and Convention Centre and other facilities situated southerly on King Street West, which agreement will be registered on title to the Leasehold Land;

AND WHEREAS the Lessor and the Lessee have entered into a truck tunnel agreement (the "Truck Tunnel Agreement") dated April 15, 1989 in respect of a truck route to be used for deliveries to and from the hotel constructed on the Leasehold Land, which agreement will be registered on title to, inter alia, the Leasehold Land;

AND WHEREAS the Mortgagor and Mortgagee have agreed that the Mortgagor shall give a charge (the "Mortgage") on the security of the Leasehold Land and on all buildings, improvements and other structures erected on the Leasehold Land (hereinafter collectively called the "Leasehold Land and Premises") as security for payment to the Mortgagee of indebtedness of the Mortgagor to the Mortgagee in an amount not to exceed the sum of Twenty-Three Million Nine Hundred and Fifty Thousand Dollars (\$23,950,000) of lawful money of Canada;



AND WHEREAS by the terms of the Ground Lease it is provided that the Lessee thereunder may at any time and from time to time mortgage or encumber the Leasehold Land and Premises provided that certain conditions have been complied with as more particularly set forth in Section 16.01 of the Ground Lease.

NOW THEREFORE in consideration of the premises:

1. The Mortgagee acknowledges and agrees that the Mortgage will be made expressly subject to the rights of the Lessor under the Ground Lease and in particular to the right of the Lessor to acquire title to the Improvements as defined in the Ground Lease, upon expiration or termination of the Ground Lease, in accordance with and subject to the provisions and conditions of the Ground Lease.
2. The Mortgagee covenants and agrees with the Lessor that, contemporaneously with the giving of notice by the Mortgagee to the Mortgagor of any breach or default under the Mortgage, the Mortgagee will notify the Lessor in writing of such breach or default.
3. (a) The Mortgagee covenants and agrees with the Lessor that it shall be bound by all of the covenants and obligations of the Lessee contained in the following documents (the "Documents"):
  - (i) the Ground Lease;
  - (ii) the Interface Agreement registered and any agreement, lease, sub-lease or easement contemplated by the Interface Agreement entered into or to be entered into by the Mortgagor;
  - (iii) the Pedestrian Bridge Agreement, a copy of which the Mortgagee acknowledges having received;

- (iv) the Truck Tunnel Agreement, a copy of which the Mortgagee acknowledges having received; and
- (v) June 10, 1985 Encroachment Agreement registered as Instrument No. 189019 L.T.

The Mortgagee's obligation to be bound by the terms and conditions of the Documents shall arise in the event that the Mortgagee enters into possession of the Leasehold Land and Premises, or in the event that the Mortgagee takes any other steps to enforce its security, which steps have the effect of depriving the Lessee of the ability to fully perform the covenants and obligations under the Documents. Upon the sale or transfer of the Leasehold Land and Premises and the Ground Lease following the realization by the Mortgagee on the Mortgage, by the exercise of the power of sale of the Mortgage or otherwise, it shall obtain from the assignee of the Leasehold Land and Premises and of the Ground Lease a covenant with the Lessor to perform all of the Lessee's obligations under the Documents. The Mortgagee shall be relieved and fully discharged from performance of the covenants, agreements and obligations contained in the Documents from and after the date that such assignee enters into possession of the Leasehold Land and Premises and enters into the covenant with the Lessor to be bound by the Documents.

- (b) Without limiting the generality of Section 3(a), the Mortgagee covenants and agrees with the Lessor that notwithstanding that some of the Documents have not yet been finalized or registered on title, the Mortgagee agrees that:

- (i) the Mortgage is and shall be (in the manner and to the extent provided for in Section 3(a) above)

subject to and subordinate to, in all respects,  
the rights of the Lessor under the Documents;

(ii) that those Documents not yet registered on title  
to the Leasehold Land shall be an encumbrance upon  
the Leasehold Land prior to the Mortgage in the  
same manner and to the same effect as if they had  
been dated and registered prior to the Mortgage;  
and

(iii) that if the Mortgage is registered prior to the  
registration of any of the Documents, the  
Mortgagee agrees and undertakes to provide the  
Lessor with a postponement of its security,  
including the Mortgage, to the Documents and to do  
all other acts and things as may reasonably be  
required by the Lessor to ensure that the  
Documents are prior to the interest of the  
Mortgagee.

4. The Lessor covenants and agrees with the Mortgagee that  
the Mortgagee will be relieved and fully discharged of  
and from future performance of covenants, agreements  
and obligations contained in the Documents, from and  
after the date on which any assignee of the Leasehold  
Land and Premises covenants with the Lessor to perform  
all of the Lessee's obligations under the Documents and  
enters into possession as aforesaid.

5. The Mortgagor and Mortgagee agree that Section 22.09 of  
the Ground Lease does not impose on the Lessor any  
obligation to:

(1) perform any of the obligations of the Mortgagor  
under the Mortgage or the loan agreement between  
the Mortgagor and the Mortgagee;



- (ii) perform any financial obligations of the Mortgagor under the Hotel Management Agreement referred to in Section 22.09 of the Ground Lease;
  - (iii) subordinate its right to receive rent and other sums payable to the Lessor under the Ground Lease, to amounts payable to the Mortgagee; and
  - (iv) pay any monies under the Hotel Management Agreement, referred to in Section 22.09 of the Ground Lease, except as the Lessor and the Mortgagee may agree.
6. The Lessor acknowledges that by entering into this Agreement the Mortgagee has filed with the Lessor written notice specifying an address for any notices to be given by the Lessor to the Mortgagee in accordance with Section 15.03 of the Ground Lease. The Lessor further acknowledges that notwithstanding that the Mortgagee is not a party to the Ground Lease, the provisions of Article XV of the Ground Lease shall be enforceable by the Mortgagee.
7. The Lessor acknowledges and approves the fact that the Mortgage is entered into for the purpose of securing a loan to finance the acquisition by the Mortgagor of the Improvements and of a leasehold interest in the Leasehold Land.
8. (a) Any notice or communication required or permitted to be given to any party hereunder shall be in writing and shall be sufficiently given if personally delivered, transmitted by telecopier (the original of such notice to follow by regular mail) or mailed by registered mail, postage prepaid, addressed, transmitted or delivered to:

- (i) In the case of the Mortgagor/Lessee, to it at:

GGs HOTEL HOLDINGS CANADA INC.  
116 King Street West  
Hamilton, Ontario  
L8P 4V2

Attention: The Manager  
Telecopier No.: 416-529-2296

- with copy sent contemporaneously to:

McMillan Binch  
Barristers and Solicitors  
P. O. Box 38, South Tower  
Royal Bank Plaza  
Toronto, Ontario  
M5J 2J7

Attention: Mr. W. D. McCordic  
Telecopier No.: 416-865-7048

- (ii) In the case of the Mortgagee, to it at:

CENTURY LEASING SYSTEM, INC.  
International Marketing Department No. 2  
9th Floor, World Trade Centre Building  
4-1, 2 chome Hamamatsu-Cho, Minato-ku  
Tokyo 105, Japan

Telecopier No.: 011-813-433-2934

- with copy sent contemporaneously to:

Fraser & Beatty  
Barristers and Solicitors  
P.O. Box 100  
1 First Canadian Place  
Toronto, Ontario  
M5X 1B2

Attention: Mr. H. A. Zimmerman  
Telecopier No. 416-863-4592

- (iii) In the case of the Lessor, to it at:

The City Clerk  
The Corporation of the City of Hamilton  
City Hall  
P.O. Box 2040  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Telecopier No.: 1-416-546-2095

Any such notice given as aforesaid shall be conclusively deemed to have been given, if mailed, on the fifth business day following the date on which it is mailed and, if delivered or transmitted by telecopier, on the day of such delivery or transmission, if received prior to 5:00 p.m. local time on any given business day.

- (b) During a general discontinuance of postal service due to a strike, lockout or otherwise any communication or notice shall only be given by personal delivery or by transmission by telecopier.
  - (c) Any party may at any time give written notice to each other party of any change of its address or telecopier number and from and after the giving of such notice the address or telecopier number specified shall be deemed to be the address and telecopier number of such party.
- 9. Each of the parties hereto covenants and agrees to do all such acts, matters and things as may be requisite and necessary to give full force and effect to the provisions of this Agreement and to carry out and perform the same in accordance with its terms.
  - 10. The parties hereto covenant and agree that this Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
  - 11. The words "Mortgagor", "Mortgagee" and "Lessor" where used herein shall include their respective successors and assigns.
  - 12. This Indenture may be executed in several counterparts each of which when executed shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.



13. This Agreement shall be registered forthwith after the registration of the Mortgage. The Mortgagor agrees to register this Agreement on title to the Leasehold Land and to provide the registered duplicate thereof to the Lessor.

IN WITNESS WHEREOF the parties hereto have duly executed these presents.

GGS HOTEL HOLDINGS CANADA INC.

Per: \_\_\_\_\_ c/s

Per: \_\_\_\_\_

CENTURY LEASING SYSTEM, INC.

Per: \_\_\_\_\_ c/s

Per: \_\_\_\_\_

THE CORPORATION OF THE CITY OF  
HAMILTON

Per: \_\_\_\_\_ c/s  
Mayor

Per: \_\_\_\_\_  
City Clerk

SCHEDULE "A"

Hotel Premises

Those lands located in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Lots 1 and 2, part of the unnumbered Lot in Block 1, part of Park Street as closed by City of Hamilton By-Law No. 81-14, registered as Instrument No. 174954 C.D.; and part of Lots 1 and 2, part of the unnumbered Lot in the block bounded by King, Park, Market and MacNab Street, all according to David Kirkendall Survey, Registered Plan No. 39 and designated as "Part 1" as shown on a Reference Plan deposited in the Land Registry Office at Hamilton as Plan 62R-5316 and being the whole of Leasehold Parcel 1-2, Section W-39(c).

SLA\*GOSAGREE:VURE

**ESTOPPEL CERTIFICATE**

Schedule "C" of the  
FOURTEENTH Report of the  
Planning and Development  
Committee

TO: CENTURY LEASING SYSTEM, INC.

AND TO: FRASER & BEATTY  
39th Floor  
P.O. Box 100  
1 First Canadian Place  
Toronto, Ontario  
M5X 1B2

RE: Ground Lease dated the 3rd day of May, 1983, registered as Instrument No. 271066 C.D., as amended by certain agreements including, Agreements dated May 3, 1983, July 29, 1983, August 21, 1985, November 26, 1986, December 1, 1986 and April 14, 1989, all between The Corporation of the City of Hamilton and Lakeview Development Ltd., as further amended by Agreement dated November 1, 1984 between The Corporation of the City of Hamilton, Lakeview Development Ltd. and Citibank Canada, by Agreement dated March 31, 1989 between The Corporation of the City of Hamilton, Lakeview Development Ltd., First Phase Civic Square Limited, Second Phase Civic Square Limited, Fourth Phase Civic Square Limited and King Street Hamilton Hotel Limited Partnership and by Agreement dated April 15, 1989 between The Corporation of the City of Hamilton, Lakeview Development Ltd., GGS Hotel Holdings Canada Inc., and King Street Hamilton Hotel Limited Partnership

(the "Ground Lease")

The Corporation of the City of Hamilton hereby certifies as of this date pursuant to Section 22.07 of the Ground Lease, as follows:

1. That GGS Hotel Holdings Canada Inc. is in possession of the land described in the Ground Lease and took possession thereof on the 19th day of April, 1989, and has paid rent in accordance with the provisions of the Ground Lease to July 1, 1990 and that The Corporation of the City of Hamilton does not hold any prepaid rent, letter of credit or deposit or any amount whatsoever, with respect thereto.
2. That the Ground Lease has not been amended except as set out above and that the Ground Lease continues in full force and effect.
3. That the Ground Lease is in full force and effect and GGS Hotel Holdings Canada Inc. is not, as of the date hereof, to the knowledge of The Corporation of the City of Hamilton, in default under the Ground Lease, save as is set out herein.
4. That the Corporation of the City of Hamilton hereby acknowledges and accepts that this Certificate shall be relied upon by Century Leasing System, Inc.
5. That there are obligations of GGS Hotel Holdings Canada Inc. outstanding under the Ground Lease as follows:

The truck tunnel agreement between The Corporation of the City of Hamilton and GGS Hotel Holdings Canada Inc. dated April 15, 1989 and the pedestrian bridge agreement between



## Page 2

The Corporation of the City of Hamilton and GGS Hotel Holdings Canada Inc. dated April 15, 1989 (the "Pedestrian Bridge Agreement") are to be registered in the Land Registry Office for the Land Titles Division of Wentworth upon approval of the plan of survey required for registration of the Pedestrian Bridge Agreement.

DATED this                      day of July, 1990.

THE CORPORATION OF THE CITY OF HAMILTON

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**CERTIFICATE**

Schedule "D" of the  
FOURTEENTH Report of the  
Planning and Development  
Committee

TO: CENTURY LEASING SYSTEM, INC.

AND TO: FRASER & BEATTY  
39th Floor  
P.O. Box 100  
1 First Canadian Place  
Toronto, Ontario  
M5X 1B2

- RE: (i) An agreement (the "Interface Agreement") between The Corporation of the City of Hamilton (the "City"), Lakeview Development Ltd. ("Lakeview"), Second Phase Civic Square Limited ("Second Phase") and Fourth Phase Civic Square Limited ("Fourth Phase") dated July 30, 1984 and registered in the Land Registry Office for the Land Titles Division of Wentworth, at Hamilton (the "Registry Office") as Instrument No. 161659 L.T., as further amended by the Lease Amending Agreement between the City, Lakeview, First Phase Civic Square Limited, Second Phase, Fourth Phase, GGS Hotel Holdings Canada Inc. ("GGS") and King Street Hamilton Hotel Limited Partnership dated March 31, 1989 and registered on April 19, 1989 in the Registry Office as Instrument No. 250510 L.T.;
- (ii) A pedestrian bridge agreement (the "Pedestrian Bridge Agreement") between the City and GGS dated April 15, 1989;
- (iii) A truck tunnel agreement (the "Truck Tunnel Agreement") between the City and GGS dated April 15, 1989; and
- (iv) A roof canopy agreement (the "Encroachment Agreement") between The Regional Municipality of Hamilton-Wentworth, Lakeview, 127089 Canada Ltd. and the City dated June 10, 1985 and registered in the Registry Office as Instrument No. 189019 L.T. (collectively, the "City Agreements").

The Corporation of the City of Hamilton hereby acknowledges, confirms and certifies as of this date that:

1. none of the City agreements has been further amended and that such agreements are in full force and effect and are hereby confirmed;
2. to the knowledge of The Corporation of the City of Hamilton, GGS Hotel Holdings Canada Inc. is not in default under any of the City Agreements;

3. this Certificate shall be relied upon by Century Leasing System, Inc.;  
and
4. the Truck Tunnel Agreement and the Pedestrian Bridge Agreement  
are to be registered in the Registry Office upon approval of the plan  
of survey required for registration of the Pedestrian Bridge  
Agreement.

DATED this            day of July, 1990.

THE CORPORATION OF THE CITY OF HAMILTON

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



REPORT OF HIS WORSHIP MAYOR ROBERT M. MORROW

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Mayor presents his THIRD Report for 1990 and respectfully recommends:

1. (a) That the Council of the Corporation of the City of Hamilton support St. Joseph's Villa's endeavours to achieve adequate funding from the Province;
- (b) That the Ministry of Community and Social Services be petitioned by the City to increase their level of funding to St. Joseph's Villa;
- (c) That copies of the resolution be circulated to all local MPP's.

RESPECTFULLY SUBMITTED

Mayor Robert M. Morrow

1990 July 27

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its TWENTIETH Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Altruck Transportation Services, Hamilton, in the amount of \$357 935.76 for the purchase of two (2) Trucks with 16 cu. yd. Vacuum Catchbasin Cleaners, Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of three (3) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH 5X503 00101 (1/2) and Environmental Services New Equipment Account No. CF 5500 609051014 (1/2)

2. That a purchase order be issued to Frank J. Zamboni & Co., Brantford, in the amount of \$40 251.60 for the purchase of one (1) Propane Ice Resurfacers in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of two (2) tenders received. Funds provided in Mountain Arena Twinning Equipment Replacement Account No. CF 5527 709041011.

3. That a purchase order be issued to Bravo Construction Services Ltd., Stoney Creek, in an amount not to exceed \$15 000 for concrete repairs at the City Garage, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of three (3) quotations received. Funds provided in Floor Repairs City Garage Account No. CH 57135 31102.

4. That a purchase order be issued to Eastgate Ford, Hamilton, in the amount of \$208 224 for the replacement of eight (8) Crew Cab Stake Dump Trucks Nos. 9203/16/20/24/9301/2/36/64 for Fleet Services in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of six (6) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH 5X503 00101.

If this order is placed to Ford Motor Company by 1990 July 6, the City will save over \$1 400 per unit and take delivery by September. Therefore, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

5. That a purchase order be issued to Eastgate Ford, Hamilton, in the amount of \$23 139 for the replacement of one (1) 6 Passenger Crew Cab Pickup Truck No. 9019 for Fleet Services in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of six (6) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH 5X503 00101.

If this order is placed to Ford Motor Company by 1990 July 6, the City will save over \$352 per unit and take delivery by September. Therefore, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: The Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

6. That a purchase order be issued to Carter G.M. Trucks, Hamilton, in the amount of \$45 847.32 for the replacement of one (1) Unit #9311, and the purchase two (2) Compact Extended Cab Pickup Trucks for Fleet Services, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of seven (7) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH 5X503 00101 (\$15 282.44); King's Forest General Maintenance Account No. CH 58005 62140 (\$15 282.44); and Gage Park Operating Equipment Account No. CH 58005 60408 (\$15 282.44).

7. (a) That a purchase order be issued to C. E. Hickey & Sons Co., Hamilton, in the amount of \$273 732 for the replacement of one (1) Rescue Unit #1640, Hamilton Fire Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's proposal.
- (b) That a contract be entered into satisfactory to the City Solicitor.

NOTE: Lowest acceptable of four (4) proposals received. Funds provided in Vehicle Replacement Account No. CH 5X502 00101.



8. (a) That permission be granted to the Hamilton Black Ribbon Day Committee to use the City Hall forecourt on Thursday, 1990 August 23 from 6:00 p.m. to 9:00 p.m. for a rally to mark the Fifth Annual International Black Ribbon Day, including the use of City Hall equipment.
- (b) That the flags of the following member nations be flown at City Hall from 1990 August 22 to 24:
- |           |                |
|-----------|----------------|
| Estonia   | Poland         |
| Latvia    | Czechoslovakia |
| Lithuania | Hungary        |
| Ukraine   | Rumania        |
9. That permission be granted to the 62nd Royal Hamilton Light Infantry Cadet Corps to use the City Hall forecourt and equipment on Sunday, 1990 October 28 at 11:00 a.m. for a Freedom of the City Celebration.
- \*10. That the request of TV Ontario to fly the TV Ontario flag at City Hall on Thursday, 1990 September 27 in recognition of TV Ontario Day, be approved.
11. That a Civic gold pin be awarded to Melissa Hemlow for winning the Ontario Provincial Roller Skating Championships held in Etobicoke, Ontario from 1990 May 25 - 27.
12. That permission be granted to the Hamilton Civic Hospitals Foundation to place a static display respecting the "Mend a Broken Heart" community campaign on the second floor foyer during the week of 1990 August 24 - 31.
13. That City Council consent to the use of the name "Hamilton" in "Hamilton Junior Chamber of Commerce/Hamilton Jaycees" or any variation thereof acceptable to the Lieutenant-Governor by a proposed Corporation without share, application for the incorporation of which is being made by Terry Anderson, Philip A. Fletcher, William J. Crawford, John J. Neu, Soheil Monzai and John C. Nolan.
14. That the Appointments To and Terminations from Permanent positions with the Corporation to July 17, 1990, attached hereto and marked Appendix "A", be approved.

\* Recorded vote, see page 2777

15. \* (a) That, as referred to in Section 12 of the Tenth Report of the Transport and Environment Committee, the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct independent concrete sidewalks on Upper Paradise Road between Stone Church Road and Lunner Avenue at an estimated cost of owner's share of \$92 568, as well as City's share of \$27 657.63 for a period not to exceed 20 years.
- (b) That application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$120,225.63 for a term not to exceed 20 years for this project.

NOTE: This project is included in the 1990-1994 Capital Budget as part of Project No. 026.1, City's share and Project No. 117.1, Owner's share to commence in 1990.

16. (a) That the account of Martin and Martin, Barristers and Solicitors, in the sum of \$1 299.70 for services rendered from 1990 January 30 to 1990 June 28 on behalf of the City in connection with the Hamilton Eaton Centre Project be approved for payment.
- (b) That this amount be financed from Reserve for Property Purchases Account No. CH 5X9270 0102.
17. (a) That the firm of Ridesic, Preisman and Robinson Consultants Inc. be awarded the contract to provide consulting/co-ordination services for the Asbestos Abatement Program in conjunction with the Regional Municipality of Hamilton-Wentworth at a cost of \$140 512 with an additional allowance of \$30 000 for contingencies and disbursements.
- (b) That the City's share of \$85 256 for the above services be charged to Capital Budget Account No. CF 319041007 - Asbestos Abatement Program.
- (c) That the Mayor and City Clerk be authorized and directed to execute an agreement with Ridesic, Preisman, and Robinson Consultants Inc. for these consulting co-ordination services in a form acceptable to the City Solicitor.
18. (a) That a purchase order be issued to Falla Construction Ltd. in the amount of \$1 204 000 for the construction of a new Fire Station at Upper Wellington and Stonechurch Road.
- (b) That a contract be entered into with Falla Construction Ltd. satisfactory to the City Solicitor.

NOTE: Lowest acceptable of six (6) tenders received.

\* Section 15(a) amended, see page 2880

19. That the City Solicitor be authorized and directed to undertake the preparation of a By-law to Amend the Destruction of Records By-law No. 81-217 as amended to include retention schedule for the Office of City Solicitor.
- \* 20. That six (6) Members of City Council together with five (5) Members of the Management Team be appointed as a Strategic Plan Task Force to review the actions of the original Strategic Plan and to prepare a Terms of Reference for the development of a new Strategic Plan outlining a plan of action and budget.
21. (a) That approval be given for two (2) members of the French Sub-Committee to attend the Francophone Association of Municipalities of Ontario Founding Conference in Toronto, Ontario from 1990 August 18 - 19.
- (b) That funding for the total expenditure of \$528.20 to attend this conference be charged to Account No. CH 55201 10010 - Legislative Travelling.
22. That the following resolution from the Town of Richmond Hill regarding Municipal Road Improvement programs be endorsed:
- "WHEREAS the Government of the Province of Ontario collects substantial amounts of taxes from the sale of fuel for motor vehicles in Ontario;
- AND WHEREAS the revenues collected from fuel taxes form part of the General Revenues of the Province of Ontario;
- AND WHEREAS the vehicles that utilize the fuel purchased cause considerable deterioration to the roads in Ontario;
- AND WHEREAS the maintenance, construction and repair of the majority of the roads in the Province of Ontario is the responsibility of the Municipalities of Ontario;
- NOW THEREFORE be it resolved that the Government of the Province of Ontario be petitioned to make available to Municipalities 1% of the total tax received from the sale of fuel in the Province of Ontario for Municipal Road Improvement programs;
- AND that the Honourable David Peterson, Premier of Ontario, the Honourable William Wrye, Minister of Transportation, and the Honourable Gregory Sorbara, Minister of Consumer and Commercial Relations be requested to endorse and implement this recommendation and that copies of this motion be forwarded to all Municipalities to the Province of Ontario, as well as to the Association of the Municipalities of Ontario and the Ontario Good Roads Association for their endorsement and support."

\* Recorded vote, see page 2778



23. That, based on the complaint filed by Mrs. E. Bortolussi for Lot 46, Embassy Drive, the development charges be amended to the charges in effect prior to 1990 March 27 under 8(5)(b) of the Development Charges Act.
24. (a) That the rental fee of \$4 848 inclusive of realty taxes for the use of four (4) parking spaces at the King-Jarvis Parking Lot by the "It's All Greek To Me!" Restaurant (Ms. Margaret Tsangarakis) for the purpose of establishing an outdoor patio restaurant for a four-month period commencing 1990 June 1 and terminating 1990 September 30, be approved.
- (b) That Sub-section (a) of Section 8 of the Fifteenth Report of the Finance and Administration Committee establishing a rental fee in the amount of \$5 856 be rescinded.
- \* 25. That the City of Hamilton undertake strategies to improve the representation of Visible Minorities on Citizen Committees, Boards and Commissions by implementing the following:
- (a) Issue a Council Statement on Equal Opportunity/Access to Boards, Citizen Committees and Commissions by noting in all advertisements for applicants the following wording:
- "City Council wishes to ensure that its Committees, Boards and Commissions reflect the diverse nature of Hamilton's population and encourages all residents to consider this opportunity. Applications from women, persons with disabilities, native persons, and racial and ethnic minorities are especially encouraged."
- (b) Establish and publicize the selection criteria and procedures for each committee by creating a brochure to be available in the City Clerk's Department, Aldermen's Offices, and distributed to Community organizations. Ethnic communities will be encouraged to translate the brochure into other languages with the City of Hamilton underwriting the printing cost.
- (c) Strike an Advisory Committee to encourage representation of women, persons with disabilities, native persons, and racial and ethnic minorities on Boards, Citizen Committees and Commissions. The Advisory Committee will integrate its activities with those of the Mayor's Race Relations Sub-Committee on Commissions and Committees. The Advisory Committee will also track the flow of applications from visible minorities.

\* Recorded votes on each subsection of Section 25, see page 2778

- (d) Initiate publicity on municipal government, Committees, Boards and Commissions, and Council's commitment to equal opportunity through such media venues as:

The Hamilton Spectator, Brabant Newspapers, community and ethnic papers, radio, public and private television programming, (especially those in other languages).

- (e) Undertake a variety of public education activities to broaden the understanding of and the function of Citizen Committees, Boards and Commissions by:
  - (i) Inviting women, persons with disabilities, native persons, and racial and ethnic minority leaders/and or groups to an information session on the Boards, Citizen Committees and Commissions, and to attend working meetings of the Boards, Citizen Committees and Commissions, and;
  - (ii) Hold periodic meetings of Boards, Citizen Committees and Commissions outside of City Hall where access by women, persons with disabilities, native persons, and racial and ethnic minority groups may be enhanced.
- (f) Stagger the terms of office of members on the various Committees thus advertisements of vacancies would occur on a more frequent basis on the City page of The Hamilton Spectator, and in prominent sections of other local, community and ethnic papers.
- (g) That City Council review its procedure for selecting applicants for Citizen Committees, Boards and Commissions by adding this task to the mandate of an Advisory Committee as referred to above in Section (c) and that any proposed amendments to the selection procedure be forwarded to the Finance and Administration Committee for approval.
- (h) That notices of vacancies occurring in a Citizen Committee, Board or Commission be circularized amongst the other similar bodies.
- (i) That the above initiatives not exceed a cost of \$2 000.
- (j) That the effectiveness of the implementation of the above-noted activities be evaluated by the Finance and Administration Committee in 1992 January.

26. That the salary classifications for the following non-union positions in the Culture and Recreation Department be approved:

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
Mgr. of Operations and Office Services	To assist and act on behalf of Director, to administer and manage the operations and activities of the Dept.	K	\$42,145.48 - \$49,611.12
Arts Co-ordinator	To co-ordinate the implementation of the Municipal Arts policy.	N	\$33,596.16 - \$39,617.24
Admin. Asst. II	Provide secretarial and administrative support to the Director and Manager of Operations and Office Services.	O	\$30,224.48 - \$35,522.76
Admin. Asst. IV (2)	Provide secretarial and administrative services to Managers in the Cultural, Planning & Technical Services Sections.	Q	\$24,925.68 - \$29,381.56

27. That salary reclassifications for the following non-union positions in the Parks Division of the Department of Public Works be approved:

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY</u>
Superintendent, Parks Maintenance	Manages & co-ordinates operations of the Parks Maintenance Division.	I	\$50,572 - \$59,471
General Foreman/Woman (Parks Mtce)	Supervises the maintenance of all parkland and facilities.	K3	\$42,566 - \$50,107

28. (a) That the Red Cross Swimming Instructor be reclassified to regular part-time Lifeguard II position under Schedule "A" of the Collective Agreement for C.U.P.E. Local 167.
- (b) That the reclassification should go into effect on the day City Council approves the reclassification.



- (c) That the new annualized cost of implementing the reclassification in the amount of \$155 300 (gross annualized cost of \$201 780 less recovery from the Board of Education \$46 480) be financed by a transfer of appropriation from Account No. CH 54117 23001 - Provision for Pay Equity.
  - (d) That the City Treasurer be authorized to transfer the unspent balance i.e. the difference between the annualized cost and the actual cost of implementing the reclassification to the Reserve for Annualization.
29. (a) That in conjunction with the Procedural By-law general review which is currently underway, Section 25 be revised to clearly indicate that where a proposed expenditure cannot be accommodated within the specific Department's approved budget or within the global budget of the Departments under the jurisdiction of the respective Committee, no expense shall be incurred until the Finance and Administration Committee has recommended a source of funding to City Council.
- (b) That the procedure for processing an overbudget account be as follows:
- (A) CURRENT BUDGET OVEREXPENDITURE
- Department Head
- 1. Consider whether the item can be financed from a saving or a trade-off of an existing program after reviewing the complete departmental budget.
  - 2. Where a standing committee or Council directs a department head to initiate a project which is not budgeted for, or would cause an overbudget situation, prepare a report for the consideration of the standing committee or Council outlining the nature of the expenditure and the method of financing it from departmental resources, and, if resources are not available recommend postponement or cancellation of the matter.
  - 3. Consult with the Treasurer/CAO if none of the above conditions can be fulfilled and, in effect, Council policy, which states that all expenditures of standing committees must be provided from within its own resources, cannot be complied with.
  - 4. Prepare a report requesting that the Finance and Administration Committee recommend the method of financing.

Standing Committee

1. Receive and either approve or disapprove the recommendation of the department head stating the overexpenditure/unbudgeted item be financed either from a saving or a trade-off, or that it be postponed or cancelled.
2. Receive and either approve or disapprove the recommendation of the department head which recommends the overexpenditure/unbudgeted item be forwarded to the Finance and Administration Committee to recommend the financing.

Finance and Administration Committee

1. Receive a copy of the report of the department head to the standing committee stating the Finance and Administration Committee recommend the method of financing for an overexpenditure/unbudgeted item of that standing committee.
2. Either:
  - (a) follow Council policy and report to City Council that the funds must be found from the resources of the standing committee or cancel the program, or,
  - (b) recommend to Council a method of financing stating the reasons for deviation from City policy.

City Council

1. Approve or disapprove recommendations received from the standing committees.

(B) CAPITAL BUDGET OVEREXPENDITURE

Department Head

1. Either:
  - (a) report to the standing committee recommending changes, reductions, or other alterations to the project in order to provide the requisite saving to stay within budget, or,

- (b) report that the amount cannot be altered and additional financing is required, and, recommend that the Finance and Administration Committee be referred for the financing.

Standing Committee

- 1. Approve or disapprove of the recommendation from the department head.

Finance and Administration Committee

- 1. Receive the recommendation from the standing committee requesting a method of funding for the capital overexpenditure/unbudgeted item.
- 2. Recommend, either -
  - the standing committee reduce or alter the project to conform to budget, or,
  - the method of funding (assuming funds are available).

City Council

- 1. Approve or disapprove the recommendation received from the Finance and Administration Committee.
- 
- 30. That the firefighter members of the Hamilton Municipal Retirement Fund (HMRF) be allowed to purchase prior government service as credited pensionable service at no cost to the employer.
  - 31. (a) That a User Fee Study be undertaken for the City of Hamilton within the terms of reference as outlined on Appendix "B" attached hereto.
    - (b) That the Treasurer and Manager of Purchasing be authorized to prepare specifications and call for proposals for this Study.
    - (c) That following receipt of the proposals, the Treasurer make a recommendation to the Finance and Administration Committee for approval, and be directed to recommend the method of financing of the consultants fees required to conduct this Study.



32. (a) That the City Treasurer be authorized to transfer the Extended Health Care Reserve (CH 00173 - \$935 974) to the Long Term Disability Plan Reserve (CH 00125/CH 00175) and close off Reserve CH 00173.
- (b) That \$2 030 000 be transferred from the Reserve for Debt Charges (CH 00108) and \$1 000 000 from the Reserve for Capital Projects (CH 00203) as follows:

<u>Reserve</u>	<u>Account No.</u>	<u>Amount</u>
Reserve for Realty Taxes		
- Beach Strip Properties	CH 00119	\$ 30 000
Reserve for Replacement of		
Mobile Equipment	CH 00101	2 000 000
Reserve for Services for		
Unsubdivided Lands Development	CH 00107	<u>1 000 000</u>
		<u>\$3 030 000</u>
		=====

33. (a) That the Summary of Capital Projects in Progress as at June 30, 1990, attached hereto as Appendix "C", be received by City Council for information.
- (b) That the following projects be removed from this Status Report as they have been satisfactorily completed:

<u>No.</u>	<u>Description</u>	<u>Gross Cost</u>
(1)	(2)	(3)
3	Energy Conservation Projects - City Hall	\$ 730 000
21	Major Maintenance to Civic Buildings	
	- 1987 Allocation	250 000
28	Construction Costs - Accommodation	
	- City Hall - 1988 Allocation	225 000
30	Major Maintenance to Civic Buildings	
	- 1988 Allocation	250 000
55	Fire Station - Stone Church and Upper	
	Wellington - Vehicle Purchase	300 000
256	Centralized Computer Fuel System	300 000
259	Construction of New Mountain Public Works Yard	2 750 000
265	New Equipment - Concrete Grinder	50 000
366	Upgrading of Gage Park	118 000
371	Mohawk Sports Park - Fieldhouse	81 000
373	Construction of Utility Building	
	- Brian Timmis Stadium	170 000

431	Convention Centre - Furniture and Equipment	288 000
435	Convention Centre - Lighting Retrofit	49 000
441	C.U.P. - Replacement and Overhaul of Equipment	410 000
502	Library - Replacement of Specialized Office Equipment and Furnishings	107 000
516	Red Hill Library Expansion	274 000

- (c) That the above projects, upon advice to the originating departments, will be deleted from the records of the Treasury Department as at September 30, 1990.
  
- 34. That District Court Action No. 7530/87 between Paula Pasquale and the City of Hamilton be settled by the City of Hamilton consenting to a dismissal of the action and the crossclaim without costs as against the City.
  
- 35. (a) That the City pay to the Plaintiffs, Judith and Robert Smith, the sum of \$6 433.74 inclusive of prejudgment interest, costs and disbursements.
- (b) That District Court Action No. 6532/86 against the City of Hamilton be dismissed.
  
- 36. (a) That the City offer to settle District Court Action No. 11944/88 by the payment to the Plaintiff, Stella Gale, of \$6 429.04 inclusive of interest, costs and taxable disbursements.
- (b) That the Plaintiff be required to execute a Full and Final Release of The Corporation of the City of Hamilton satisfactory to the City Solicitor, and that District Court Action No. 11944/88 be dismissed.
  
- 37. (a) That the City make an Offer to Settle District Court Action No. 14694/89 by payment to the Plaintiffs, Nick Ulrich and Nerra Ulrich of \$5 100 inclusive of interest, costs and taxable disbursements.
- (b) That the Plaintiffs be required to execute a Full and Final Release of The Corporation of the City of Hamilton satisfactory to the City Solicitor, and that District Court Action 14694/89 be dismissed.
  
- 38. (a) That the City make an Offer to Settle District Court Action No. 8642/87 by payment to the Plaintiffs, Rose Marie Jarvis and Allan Jarvis of \$3 350 inclusive of interest, costs and taxable disbursements.

- (b) That the Plaintiffs be required to execute a Full and Final Release of The Corporation of the City of Hamilton satisfactory to the City Solicitor, and that District Court Action No. 8642/87 be dismissed.
39. That the estimated amount of \$75 000 required for survey soil test and preliminary design investigation work on the proposed arena site at the Chedoke Health Corporation as recommended in Section 12 of the Fourteenth Report of the Parks and Recreation Committee, be financed from the Reserve for Capital Projects, Centre 00203, with a corresponding reduction to the Capital Contingency account in the 1990 budget.
40. That the final report of the Hamilton Public Library Board dated 1990 June 7, attached hereto as Appendix "D", dealing with the feasibility of establishing a Municipal Archive be received for information.
41. That costs in the amount of \$73 211.65 which were incurred to repair the Supply Electrical Cable, City Hall, be financed from the C.U.P. Reserve for Capital Projects Account, Centre Number CH00132.
42. That leave be granted to introduce the following Bills:
- (a) Bill H-100      A By-law to Amend the Destruction of Records By-law No. 81-217 as amended to include retention schedule for the Office of City Solicitor.
- (b) Bill H-101      A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.
43. That staff be authorized and directed to develop a policy to require the inclusion of Canadian Content as well as local suppliers and labour in all City projects wherever possible and feasible for consideration of the Finance and Administration Committee.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN  
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary  
1990 July 26



Section 15(a) amended to read:

That, as referred to in Section 12 of the Tenth Report of the Transport and Environment Committee, the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to construct independent concrete sidewalks on Upper Paradise Road between Stone Church Road and Lunner Avenue at an estimated cost of owner's share of \$86,325.12, as well as City's share of \$33,900.51 for a period not to exceed 20 years.

THE CORPORATION OF THE CITY OF HAMILTON  
 APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Ms. Tina Agnello	Legislative Assistant I (L)	City Clerk's	Replacing Mr. R. Prowse - resigned	\$38,653.68 to \$45,517.16	\$43,711.20 per annum (4 of 5)	25/06/90
Mr. Albert Agostinelli	Captain (C-6)	Fire	Replacing Mr. A. Chalmers - promoted	\$51,589.07	\$51,589.07 per annum	10/06/90
Mr. Terry Brillinger	Yard Attendant (Dist) (D-11)	Public Works	Replacing Mr. E. Campbell - retired	\$29,183.68 to \$29,579.68	\$29,579.68 per hour (2 of 2)	25/06/90
Mr. Marcel Gravelle	Labourer/Truck Driver (D-7)	Public Works	Replacing Mr. P. Shwedik - resigned	\$28,593.76 to \$28,884.16	\$28,593.76 per annum (1 of 2)	03/07/90
Ms. Nancy Greenwood	Data Entry Clerk (E-3)	Treasury	New position approved in 1989 Budget	\$20,854.08 to \$22,630.04	\$22,630.04 per annum (3 of 3)	02/07/90
Mr. Brian Keenan	Equipment Mechanic II (Fleet Services) (D-11)	Public Works	Replacing Mr. S. McEwan - promoted	\$29,183.68 to \$29,579.68	\$29,579.68 per annum (2 of 2)	18/06/90
Mr. John King	Traffic Serviceman/Woman II (A-3)	Traffic	Replacing Mr. G. Bartolotta - promoted	\$22,717.76 to \$25,807.60	\$22,717.76 per annum (1 of 4)	25/06/90

Prepared 17/07/90

**THE CORPORATION OF THE CITY OF HAMILTON  
APPOINTMENTS TO PERMANENT POSITIONS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Timothy Mason	Labourer/Truck Driver (Parks Maintenance) (D-7)	Public Works	Replacing Mr. Cialini - promoted	\$28,593.76 to \$29,009.76	\$28,593.72 per annum (1 of 2)	03/07/90
Mr. Ronald Mol	Labourer/Truck Driver (Parks Maintenance) (D-7)	Public Works	Replacing Mr. Langdon - promoted	\$28,306.72 to \$28,772.72	\$28,772.72 per annum (2 of 3)	25/06/90
Mr. D. Pothier	Probationary Communications Operator (N-1)	Fire	Transfer	\$30,019.08 to \$32,328.36	\$32,328.36 per annum (2 of 2)	10/06/90
Mr. Larry Rouse	Labourer/Truck Driver (D-7)	Public Works	Replacing Mr. R. Melanson - transferred	\$28,593.76 to \$29,009.76	\$28,593.76 per annum (1 of 2)	04/07/90
Mr. Gary Webster	Operator III Truck Driver (Cemetery) (D-8)	Public Works	Replacing Mr. C. White - resigned	\$28,473.12 to \$28,889.12	\$28,889.12 per annum	25/06/90



THE CORPORATION OF THE CITY OF HAMILTON  
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Ms. Rita D'Ortenzio	Administrative Assistant II	City Clerk's	Resigned	8 years, 10 months	08/07/90
Mr. Joe Gnatuszyn	Maintenance Assistant (Convention Centre)	H.E.C.F.I.	Resigned	2 months	14/06/90
Mr. Yvon Pelletier	General Foreman/Woman Parks	Public Works	Retired	29 years, 11 months	29/06/90
Mr. William Pooler	Senior Building Inspector	Building	Retired	15 years, 3 months	29/06/90
Mr. Thomas Root	Tree Climber	Public Works	Resigned	11 months	08/06/90
Mr. James Skelton	Property Rental Agent	Property	Retired	32 years	31/07/90
Mr. Clyde White	Truck Driver (Cemetery)	Public Works	Resigned	16 years, 7 months	01/06/90

CITY OF HAMILTON

TERMS OF REFERENCE  
FOR A USER FEE STUDY

STATEMENT OF OBJECTIVES

1. The purpose of this Study is to examine existing user fees and ascertain those costs associated with providing the services involved, and establishing a central policy of user fees based on the costs established.
2. Identify new funding sources where fees could be assessed.
3. Set fees closer to their actual costs after Committee/Council/Staff consideration of the political feasibility, existing legislation, effects on any social groups, and any impact on service demand of establishing such fees.

TERMS OF REFERENCE

The requirements of the study to ensure a final report to be submitted to the Finance and Administration Committee for approval, would include the following :

1. The User Fee Study must be completed and a final report prepared no later than January 15, 1991 to provide for implementation in the 1991 Current Budget.
2. The Study would be limited to City programs only and would not include the local boards.
3. Cost analysis of the City programs in providing services will be the basis for establishing the fees, while ensuring compliance with all governing legislation.
4. The Budget Analyst responsible for revenues will work with the recommended consultant as a liason, and assist in data collection, provide budgeted expenditure information and fee schedules, and assist in any other related matters as deemed necessary.
5. The fee for this study would be a fixed, not-to-exceed amount as negotiated within the accepted proposal.
6. The successful consultant must have previous experience in conducting a study of this nature and be able to provide a list of references.

City of Hamilton  
Treasury  
**SUMMARY OF CAPITAL PROJECTS IN PROGRESS**  
(000's)  
as at June 30, 1990

Item No. (1)	Project Description (2)	Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Is the Project on Target?		
		Start (3)	Finish (4)				Construction (8)	Yes or No (9)	
<b>General Administration</b>									
2	Ceramic Belting Replacement and Window Repair - City Hall	01/85	being reviewed	40	-	40	No	No	CF 328541002
3	Energy Conservation Projects - City Hall	06/84	06/90*	730	695	35	Yes	Yes	CF 928241001-017
9	Data Base and Fourth Generation Language	09/86	12/90*	550	321	229	Yes	Yes	CF 258651002
10	Handicapped Access to Recreational Buildings	09/86	12/90	100	6	94	No	Yes	CF 708641003
11	Energy Conservation Projects	05/86	12/90*	50	39	11	Yes	Yes	CF 328641001
17	Computer Software Project - 1987 Allocation	08/87	12/90*	100	70	30	Yes	Yes	CF 258751002
21	Major Maintenance to Civic Buildings - 1987 Allocation	11/87	06/90	250	218	32	Yes	Yes	CF 318741001-019
25	Computer Software Project - 1988 Allocation	11/88	12/92	125	-	125	Yes	Yes	CF 258851002
27	Computer Environment Improvements	11/88	12/90*	50	3	47	Yes	Yes	CF 258851001
28	Construction Costs - Accommodations - City Hall - 1988 Allocation	11/88	06/90	225	127	98	Yes	Yes	CF 318841201
30	Major Maintenance to Civic Buildings - 1988 Allocation	09/88	06/90*	250	229	21	Yes	Yes	CF 318841001-046
32	New Computer Workstations	05/89	12/90	75	63	12	Yes	Yes	CF 258951001
33	Computer Software Project - 1989 Allocation	01/90	1991	150	-	150	Yes	Yes	CF 259051015
34	Replacement of Rink Slabs and Boards - Mountain Arena	11/89	1990	496	403	93	Yes	Yes	CF 318941014
35	Energy Conservation Project	11/89	1991	50	-	50	Yes	Yes	CF 318941016
36	Major Maintenance Civic Buildings - 1989 Allocation	10/89	1990	250	30	220	Yes	Yes	CF 318941003



City of Hamilton  
Treasury

SUMMARY OF CAPITAL PROJECTS IN PROGRESS

(000's)  
as at June 30, 1990

Item No. (1)	Project Description (2)	Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Is the Project on Target?		Centre Number (10)
		Start (3)	Finish (4)				Construction (8)	Budget (9)	
(1-50)	General Administration-Ctd.								
37	Computer Software Project								
	- 1990 Allocation	03/90	12/90	125	-	125	Yes	Yes	CF 259051013
38	Accommodation Requirements								
	- Legal Department	11/90	05/91	175	-	175	Yes	Yes	CF 319041004
39	Hamilton Housing Company - Macassa								
	Park Apts. - Replace Heating and								
	Electrical System	1990	1990	165	-	165	Yes	Yes	CF 319041005
40	Asbestos Abatement Program	1990	1992	550	-	550	Yes	Yes	CF 319041007
41	H.S.P.C.A. - Capital Grant	03/90	12/90	282	-	282	NO	Yes	CF 259041008
42	Computer Workstation Furniture	03/90	12/90	50	10	40	Yes	Yes	CF 259051012
43	Accommodation Requirements								
	- City Hall - 1990 Allocation	05/90	12/90	150	-	150	Yes	Yes	CF 319041002
44	Major Maintenance to City-Owned								
	Buildings - 1990 Allocation	05/90	12/90	250	-	250	Yes	Yes	CF 319041003
45	Major Upgrading of City Hall								
	- Needs Study	on hold		100	-	100	Yes	Yes	CF 319055004
(51-100)	Protection to Persons & Property								
55	Fire Stn. Stonechurch & Upper								
	Wellington - Vehicle Purchase	06/88	06/90	300	252	48	Yes	Yes	CF 488951001
56	Fire Stn. Stonechurch & Upper								
	Wellington - Construction	05/89	05/91*	1,400	117	1,283	Yes	Yes	CF 488941001

07/31/90

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City of Hamilton  
Treasury

## SUMMARY OF CAPITAL PROJECTS IN PROGRESS

(000's)  
as at June 30, 1990

Item No. (1)	Project Description (2)	Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Is the Project on Target?		Centre Number (10)
		Start (3)	Finish (4)				Construction (8)	Yes or No (9)	
<b>(101-150) Engineering</b>									
103	Road Access - Riverdale East Neighbourhood	08/86	10/90*	445	63	382	Yes	Yes	CF 528643008
108	High Level Bridge Street Lighting	11/87	12/90*	155	102	53	Yes	Yes	CF 528744002
109	1988 Reconstruction Program	01/88	12/90*	7,695	7,455	240	Yes	Yes	CF 528842001-047
110	Replacement of Traffic Operations Centre	09/86	03/92*	6,830	494	6,336	Yes	Yes	CF 758841001
111	Greenhill Ave. Construction of Finished Roadway, Curbs & Sidewalks	08/88	12/89	860	503	357	Yes	Yes	CF 528843002
112	Storm Drainage Projects	12/88	12/91	180	63	117	Yes	Yes	CF 528849001
113	1989 Reconstruction Program	01/89	12/90	8,200	5,229	2,971	Yes	Yes	CF 528942001-056
114	Albright Road Extension	05/89	12/90	104	-	104	Yes	Yes	CF 528943002
115	1990 Reconstruction Program	03/90	12/91	8,800	-	8,800	Yes	Yes	CF 529042001
116	Catch Basin and Drain Connections	03/90	12/90	150	-	150	Yes	Yes	CF 529043007
<b>(201-250) Parking Authority</b>									
201	Parking Facilities - Property Acquisition	02/84	Unknown	1,700	1,431	269	No	Yes	CF 708445001
202	Parking Facilities - Demolition & Site Preparation	09/85	Unknown	590	275	315	No	Yes	CF 908545001
211	Upgrade Existing Parking Facilities	03/90	12/90	100	68	32	Yes	Yes	CF 909045003
212	Study and Design - Existing and Future Parking Projects	1990	1990	50	-	50	Yes	Yes	CF 909045004

City of Hamilton  
Treasury

SUMMARY OF CAPITAL PROJECTS IN PROGRESS

Item No. (1)	Project Description (2)	as at June 30, 1990 (000's)						Is the Project on Target?		Centre Number (10)
		Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Yes or No			
		Start (3)	Finish (4)				Construction (8)	Budget (9)		
<b>(201-250) Parking Authority-Ctd.</b>										
213	John/Rebecca Decking	1990	1990	2,600	-	2,600	No	Yes	CF 909045005	
214	Land Acquisition - Various	1990	1990	400	300	100	Yes	Yes	CF 909045006	
215	King Wm./Mary Decking	1990	Unknown	3,300	-	3,300	No	Yes	CF 909045007	
<b>(251-300) Department of Public Works</b>										
256	Centralized Computer Fuel System	05/86	06/90*	300	281	19	Yes	Yes	CF 608651001	
259	Construction of New Mountain Public Works Yard	06/89	06/90*	2,750	2,648	102	Yes	Yes	CF 608741002	
265	New Equipment - Concrete Grinder	05/89	06/90*	50	33	17	Yes	Yes	CF 608951002	
267	Public Works Equipment - Vacalls, Steam Jenny, Elephant Vacs	03/90	03/91	213	179	34	Yes	Yes	CF 609051014	
268	Underground Fuel Tanks - Various Locations	03/90	12/90	130	-	130	Yes	Yes	CF 649041007	
269	Renovations to Office & Yard & Ventillation System - Fleet Services	03/90	12/90	169	12	157	Yes	Yes	CF 649041012	
270	Upper Ottawa Depot	03/90	12/91	359	1	358	Yes	Yes	CF 609041009	
271	Construct/Repair Parking Lots	03/90	12/90	107	-	107	Yes	Yes	CF 629045009	
272	Emergency Crest Stabilization	04/90	1990	429	366	63	Yes	Yes	CF 629049003	



07/31/90

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City of Hamilton  
Treasury

## SUMMARY OF CAPITAL PROJECTS IN PROGRESS

Item No. (1)	Project Description (2)	as at June 30, 1990 (000's)					Is the Project on Target?		Centre Number (10)
		Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Yes or No		
		Start (3)	Finish (4)				Construction (8)	Budget (9)	
<u>(301-350) Department of Culture &amp; Recreation</u>									
309	West Mountain Twin Pad Arena	1990	1992	5,588	-	5,588	[No]	[No]	CF 709041012
311	Bike Paths (Phases 2, 3 & 4)	05/87	12/90	990	135	854	Yes	Yes	CF 708743001-002
315	Senior Citizens Drop-In-Centre	05/88	12/91	100	7	93	Yes	Yes	CF 708941003
318	V.W.C.A. Capital Grant								
	- 1990 Portion	03/90	12/90	150	-	150	Yes	Yes	CF 259041006
319	Playground Equipment - Various Locations								
320	Sir Winston Churchill Centre	03/90	12/90	100	17	83	Yes	[No]	Various
	- Filtration System								
321	Senior Citizens Centre	04/90	07/90	150	-	150	Yes	Yes	CF 709041008
322	Construct Air Structure Twinning Mountain Arena	11/90	11/92	2,100	-	2,100	[No]	Yes	CF 709041013
		06/90	11/90	2,012	41	1,971	Yes	Yes	
<u>(351-400) Parks Division</u>									
356	Chedoke Golf Course Storage and Workshop	06/86	On Hold	161	-	161	[No]	Yes	CF 628641001
363	Mohawk Sports Park Construction of Utility Building	07/87	12/90	222	173	49	Yes	Yes	CF 628754001/004

City of Hamilton  
Treasury

SUMMARY OF CAPITAL PROJECTS IN PROGRESS

Item No. (1)	Project Description (2)	as at June 30, 1990 (000's)					Is the Project on Target?		Centre Number (10)
		Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Yes or No		
		Start (3)	Finish (4)				Construction (8)	Budget (9)	
<b>(351-400) Parks Division-Ctd.</b>									
366	Upgrading of Gage Park	05/88	06/90*	118	110	8	Yes	Yes	CF 628854002
367	Sackville Hill Park - Paving Parking Lot	05/88	09/90*	60	39	21	Yes	Yes	CF 628845001
368	Mountain Drive Park Repairs	05/88	12/90	100	24	76	Yes	Yes	CF 628854003
371	Mohawk Sports Park - Fieldhouse	05/88	06/90	81	80	1	Yes	Yes	CF 628841001
372	T.B. McQueston Park Development - Stage 1	05/88	12/92	50	18	32	Yes	Yes	CF 628854004
373	Construction of Utility Building - Brian Timmis Stadium	04/88	06/90	170	156	14	Yes	Yes	CF 628854001
378	Mohawk Sports Park, Irrigation System, Bleachers and Floodlighting	05/89	12/92	400	116	284	Yes	Yes	CF 628954001
379	Sam Lawrence Park - Upgrading	05/89	12/93	2,325	28	2,297	Yes	Yes	CF 628954002
383	Bow Valley Creek - Alterations	05/89	07/90*	60	-	60	Yes	Yes	CF 628949001
384	Renovations/Repairs - Ivor Wynne Stadium	03/90	12/90	345	-	345	Yes	Yes	CF 629054017
385	Floodlighting - Sam Manson Park	06/90	12/90	86	-	86	Yes	Yes	CF 629054011
386	Park Development and Redevelopment	03/90	12/90	1,288	-	1,288	Yes	Yes	CF 629054012
387	Gage Park - Perennial Borders	03/90	12/90	22	-	22	Yes	Yes	CF 628954003
388	Red Hill Creek Master Plan Implementation	03/90	06/91	1,157	-	1,157	Yes	Yes	CF 629054013
389	T.B. McQueston Park Development	03/90	12/96	4,614	-	4,614	Yes	Yes	CF 629054014
390	Fieldhouse - Mohawk Sports Park	03/90	12/91	440	-	440	Yes	Yes	CF 629054018
391	Facilities Building - Gage Park	03/90	08/91	460	-	460	Yes	Yes	CF 629054019

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City of Hamilton  
Treasury

## SUMMARY OF CAPITAL PROJECTS IN PROGRESS

as at June 30, 1990 (000's)									
Item No. (1)	Project Description (2)	Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Is the Project on Target?		Centre Number (10)
		Start (3)	Finish (4)				Construction (8)	Budget (9)	
<b>(351-400) Parks Division-Ctd.</b>									
392	Churchill Lawn Bowling Club - Lighting System Replacement	03/90	12/90	31	-	31	Yes	Yes	CF 629054015
393	Mountain Park - Crest Stabilization Plan	03/90	12/92	250	-	250	Yes	Yes	CF 629049003
<b>(401-450) H.E.C.F.I.</b>									
<b>(401-410) Corporate</b>									
403	Automated Facilities Management Computer System	06/86	08/90*	83	24	59	Yes	Yes	CF 928851003
405	Automated Facilities Management Computer System	08/90	12/90	75	-	75	Yes	Yes	CF 929051006
408	T.V. Monitor	06/89	12/90	50	-	-	Yes	Yes	CF 928941007
<b>(411-420) Copps Coliseum</b>									
411	Victor K. Copps - Construction Renovations	08/83	12/91	41,429	40,614	815	Yes	Yes	CF 928341001-019
412	New Equipment & Renovations	07/87	12/90*	130	88	42	Yes	Yes	CF 928741001
413	New Equipment	04/88	12/90*	120	84	36	Yes	Yes	CF 928841002
414	New Equipment & Renovations	06/89	12/90	97	65	32	Yes	Yes	CF 928941004
415	Private Boxes - Study	09/90	12/90	50	15	35	Yes	Yes	CF 929051002
416	Satellite Dish	10/90	12/90	100	-	100	No	Yes	CF 929051003
417		10/90	11/90	70	-	70	Yes	Yes	CF 929051004



City of Hamilton  
Treasury

SUMMARY OF CAPITAL PROJECTS IN PROGRESS

Item No. (1)	Project Description (2)	as at June 30, 1990 (000's)					Is the Project on Target?			Centre Number (10)
		Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Yes or No			
		Start (3)	Finish (4)				Construction (8)	Budget (9)		
(401-450)	H.B.C.P.I.-Ctd.									
(421-430)	Hamilton Place									
421	Great Hall Sound Console	11/88	06/91	202	72	130	Yes	Yes	CF 928851003	
422	Great Hall Banners	05/89	12/90*	130	3	127	Yes	Yes	CF 928941001	
423	Furniture, Equipment & Renovations	07/90	12/90	160	-	160	Yes	Yes	CF 929051005	
424	Great Hall Banners	09/90	12/90	570	-	570	Yes	Yes	CF 929041011	
(431-440)	Convention Centre									
431	Furniture & Equipment	06/87	06/90	288	282	6	Yes	Yes	CF 928751001	
433	Equipment & Renovations	06/89	12/90	320	51	269	Yes	Yes	CF 928941006	
434	Furniture, Equipment, Renovations	07/90	12/90	62	-	62	Yes	Yes	CF 929051007	
435	Lighting Retrofit	05/90	06/90	49	44	5	Yes	Yes	CF 928941013	
(441-450)	C.U.P.									
441	Replacement and Overhaul									
	- Equipment	04/88	06/90	410	370	40	Yes	Yes	CF 928851001	
442	Replacement and Overhaul									
	- Equipment	06/89	12/90*	115	59	56	Yes	Yes	CF 928941005	
443	Equipment & Renovations	07/90	10/90	90	15	75	Yes	Yes	CF 929041001	
(451-500)	Hamilton & Scourge									
452	Laboratory Facility & Equipment	06/89	12/90	150	-	150	Yes	Yes	CF 738841002	
453	Hamilton & Scourge - Jason Project	03/90	03/91	350	323	27	Yes	Yes	CF 738904001	

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City of Hamilton  
Treasury

## SUMMARY OF CAPITAL PROJECTS IN PROGRESS

(000's)  
as at June 30, 1990

Item No. (1)	Project Description (2)	Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Is the Project on Target?		Centre Number (10)
		Start (3)	Finish (4)				Yes or No		
							Construction (8)	Budget (9)	
<b>(501-550) Hamilton Public Library Board</b>									
502	Replacement - Specialized Office Equipment and Furnishings	08/87	06/90	*107	102	5	Yes	Yes	CF 918751001
503	Terryberry Library Addition	08/87	12/90*	2,471	500	1,971	Yes	Yes	CF 918741001
508	- 2nd Floor								
508	Furniture & Equipment - Office Computerization	09/88	12/90*	40	8	32	Yes	Yes	CF 918851002
509	Furniture & Equipment - Office Computerization	06/89	06/90*	20	14	6	Yes	Yes	CF 918941010
510	Furniture & Equipment - Office Automation	09/90	12/90	13	-	13	Yes	Yes	CF 919051008
511	Automation of Information Files	09/90	12/90	131	-	131	Yes	Yes	CF 919051009
512	Office Automation	09/90	12/90	72	5	67	Yes	Yes	CF 919051010
513	Automation & Collection Access - Phases II-V	09/90	12/90	181	-	181	Yes	Yes	CF 919051011
514	Sherwood Library Branch Relocation	05/90	10/90	358	24	332	Yes	Yes	CF 919041014
515	Library - Land Acquisition South East Mountain	06/90	12/90	555	-	555	Yes	Yes	CF 919041010
516	Red Hill Library Expansion	10/89	06/90	274	269	5			

**(601-650) Planning**

601	Enclaves Clearance	08/87	12/91	3,000	1,422	1,578	Yes	Yes	CF 308750001
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City of Hamilton  
Treasury

SUMMARY OF CAPITAL PROJECTS IN PROGRESS

(000's)

as at June 30, 1990

Item No. (1)	Project Description (2)	Month/Year of Project		Gross Cost (5)	Expended and Committed (6)	Balance Available (7)	Is the Project on Target?		Centre Number (10)
		Start (3)	Finish (4)				Yes or No		
							Construction (8)	Budget (9)	
<b>(701-760) Community Development Department</b>									
701	Downtown Action Plan - Phase III B	07/86	12/90*	1,300	1,241	59	Yes	Yes	CF 428603001
702	Downtown Action Plan - Phase II	07/85	12/90*	1,603	1,597	6	Yes	Yes	CF 428403001
704	James St. North Streetscape	07/86	12/90*	1,994	1,968	26	Yes	Yes	CF 428103001
706	Downtown Action Plan - Phase IV	05/87	12/90	1,199	772	427	Yes	Yes	CF 428803001
707	O.N.I.P. Corktown/Stinson	05/87	12/90	900	752	148	Yes	Yes	CF 428701001
708	Facade Improvement Programme	07/87	12/90	800	328	472	Yes	Yes	CH 4X001 0032
711	Commercial Improvement Programme	06/87	12/91	2,500	781	1,719	Yes	Yes	CF 428705001
715	P.R.I.D.E. Programs - Crown Point West/Stipeley - Phase II	05/89	12/92	700		700	Yes	Yes	CF 428902002
716	Waterfront Redevelopment (1990 Portion) - Hamilton's West Harbour	1990	1994	500	-	500	No	Yes	CF 418454011

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07/31/90

Note: \* Indicates date has changed from previous reporting.

1990 July 16

IRH:jc



PROJECT NAME: CERAMIC BELTING REPLACEMENT - CITY HALL

as at June 30, 1990

## (A) TO BE COMPLETED BY THE TREASURY DEPARTMENT

1. 1986-1990 Five Year Capital Budget Program:
  - (a) Project No. 34529 (b) Page No. 1
  - (c) Month/Year of Project - Start: 01/85 Finish: being reviewed
  - (d) Gross Cost of the Project: \$40,000
  - (e) Nature of Financing:
    - (i) Debenture \$
    - (ii) Reserve/Capital Levy \$40,000
    - (iii) Other (Specify) \$
2. City Council Action:
  - (a) Project Approved by Standing Committee
    - (i) Section No. N/A (ii) Report No. N/A
  - (b) Financing Approval by Executive Committee
    - (i) Section No. 16 (ii) Report No. 8
  - (c) Date of City Council Approval - Various
  - (d) Ontario Municipal Board
    - (i) No. N/A (ii) Date - N/A
3. Status of Work-In-Progress Account
  - (a) Centre No. CF328541002
  - (b) Gross Cost as Approved by City Council - \$40,000
 

Less: Actual Expenditure \$	
Commitments	
Balance Available	\$40,000 =====
  - (c) Source of Financing - Comments

## (B) TO BE COMPLETED BY THE DEPARTMENT CONTROLLING THE PROJECT -

4. Name of the Department - Architectural Division
5. Is the project progressing as scheduled per 1(c) above? Yes \_\_\_\_ No X  
If no, explain. This project is presently being reviewed with the assistance of the Architectural Division.
6. Is the project within the budget allocation? Yes \_\_\_\_ No X  
If no, explain.

## (C) TO BE COMPLETED BY THE DEPARTMENT INITIATING THE PROJECT

7. (a) What is the maintenance cost of this project once it is completed - \$Nil
- (b) Is the amount the same as per approved five year capital budget program? Yes X No \_\_\_\_  
If no, explain.
8. The first year in which the City current budget is affected - N/A
9. Will it create any new City jobs once completed? Yes \_\_\_\_ No X  
If yes, quote the number of new City employees' -

PROJECT NAME: ALTERATIONS TO RECREATIONAL BUILDINGS FOR HANDICAPPED ACCESS

as at June 30, 1990

(A) TO BE COMPLETED BY THE TREASURY DEPARTMENT

1. 1986-1990 Five Year Capital Budget Program:
  - (a) Project No. 36302 (b) Page No. 2
  - (c) Month/Year of Project - Start: 09/86 Finish: 12/90
  - (d) Gross Cost of the Project: \$100,000
  - (e) Nature of Financing: (i) Debenture \$  
(ii) Reserve/Capital Levy \$100,000  
(iii) Other (Specify) \$
2. City Council Action:
  - (a) Project Approved by Standing Committee P. & R.  
(i) Section No. 13 (ii) Report No. 13
  - (b) Financing Approval by Executive Committee  
(i) Section No. 3 (ii) Report No. 14
  - (c) Date of City Council Approval - May 27, 1986
  - (d) Ontario Municipal Board  
(i) No. N/A (ii) Date - N/A
3. Status of Work-In-Progress Account
  - (a) Centre No. CF708641003
  - (b) Gross Cost as Approved by City Council - \$100,000  
Less: Actual Expenditure \$6,430  
Commitments 6,430  
  
Balance Available \$ 93,570  
=====
  - (c) Source of Financing - Comments

(B) TO BE COMPLETED BY THE DEPARTMENT CONTROLLING THE PROJECT -

4. Name of the Department Property - Architectural Division
5. Is the project progressing as scheduled per 1(c) above? Yes \_\_\_ No X  
If no, explain.  
Limited funds expended from this account. Division has simply not had the time to devote to this project.
6. Is the project within the budget allocation? Yes X No \_\_\_  
If no, explain.

(C) TO BE COMPLETED BY THE DEPARTMENT INITIATING THE PROJECT

7. (a) What is the maintenance cost of this project once it is completed - \$N/A  
(b) Is the amount the same as per approved five year capital budget program? Yes X No \_\_\_  
If no, explain.
8. The first year in which the City current budget is affected - N/A
9. Will it create any new City jobs once completed? Yes \_\_\_ No X

STATUS REPORT - 2887  
CAPITAL PROJECTPROJECT NAME: H.S.P.C.A. - CAPITAL GRANT

as at June 30, 1990

## (A) TO BE COMPLETED BY THE TREASURY DEPARTMENT

1. 1990-1994 Five Year Capital Budget Program:
  - (a) Project No. 16.1 (b) Page No.
  - (c) Month/Year of Project - Start: 03/90 Finish: 12/90
  - (d) Gross Cost of the Project: \$282,000
  - (e) Nature of Financing:
    - (i) Debenture \$
    - (ii) Reserve/Capital Levy \$282,000
    - (iii) Other (Specify) \$
2. City Council Action:
  - (a) Date of City Council Approval - March 16, 1990
  - (b) Approval by Finance & Administration Committee
    - (i) Section No.
    - (ii) Report No.
  - (c) Ontario Municipal Board
    - (i) No.
    - (ii) Date -
3. Status of Work-In-Progress Account
  - (a) Centre No. CF259041008
  - (b) Gross Cost as Approved by City Council - \$282,000
  - Less: Actual Expenditure \$ -
  - Commitments \_\_\_\_\_
  - Balance Available \$282,000
  - Source of Financing - Comments =====

## (B) TO BE COMPLETED BY THE DEPARTMENT CONTROLLING THE PROJECT -

4. Name of the Department Treasury
5. Is the project progressing as scheduled per 1(c) above? Yes \_\_\_ No X \*  
If no, explain.
- \*Disagreement with the other five area municipalities on cost distribution.
6. Is the project within the budget allocation? Yes X No \_\_\_  
If no, explain.

## (C) TO BE COMPLETED BY THE DEPARTMENT INITIATING THE PROJECT

7. (a) What is the maintenance cost of this project once it is completed - \$N/A - a replacement building.
- (b) Is the amount the same as per approved five year capital budget program? Yes X No \_\_\_  
If no, explain.
8. The first year in which the City current budget is affected - 1995
9. Will it create any new City jobs once completed? Yes \_\_\_ No X  
If yes, quote the number of new City employees' -



STATUS REPORT - CAPITAL PROJECT

07/31/90

PROJECT NAME: PARKING FACILITIES - PROPERTY ACQUISITION

as at June 30, 1990

(A) TO BE COMPLETED BY THE TREASURY DEPARTMENT

1. 1986-1990 Five Year Capital Budget Program:

- (a) Project No. 34413 (b) Page No. 13  
(c) Month/Year of Project - Start: 02/84 Finish: Unknown  
(d) Gross Cost of the Project: \$1,700,000  
(e) Nature of Financing: (i) Debenture \$1,700,000  
(ii) Reserve/Capital Levy \$  
(iii) Other (Specify) \$

2. City Council Action:

- (a) Project Approved by Standing Committee T. & E.  
(i) Section No. 1 (ii) Report No. 1  
(b) Financing Approval by Executive Committee  
(i) Section No. 8 (ii) Report No. 3  
(c) Date of City Council Approval - February 14, 1984  
(d) Ontario Municipal Board  
(i) No. E84015 (ii) Date - April 11, 1984

3. Status of Work-In-Progress Account

- (a) Centre No. CF708445001  
(b) Gross Cost as Approved by City Council - \$1,700,000  
Less: Actual Expenditure \$1,430,783  
Commitments 1,430,783  
Balance Available \$ 269,217  
=====

(c) Source of Financing - Comments

(B) TO BE COMPLETED BY THE DEPARTMENT CONTROLLING THE PROJECT -

4. Name of the Department Property Real Estate Division

5. Is the project progressing as scheduled per 1(c) above? Yes \_\_\_\_ No X  
If no, explain. Three residential units on Bay Street  
to be acquired collectively are not available at this time.  
Still persuing purchase of all three.  
6. Is the project within the budget allocation? Yes X No \_\_\_\_  
If no, explain.

(C) TO BE COMPLETED BY THE DEPARTMENT INITIATING THE PROJECT

7. (a) What is the maintenance cost of this project once it is  
completed - \$Nil  
(b) Is the amount the same as per approved five year  
capital budget program? Yes X No \_\_\_\_  
If no, explain.  
8. The first year in which the City current budget is affected - N/A  
9. Will it create any new City jobs once completed? Yes \_\_\_\_ No X

STATUS REPORT - CAPITAL PROJECT

PROJECT NAME: PARKING FACILITIES - DEMOLITION & SITE PREPARATION

as at June 30, 1990

(A) TO BE COMPLETED BY THE TREASURY DEPARTMENT

1. 1986-1990 Five Year Capital Budget Program:
  - (a) Project No. 34413-A (b) Page No. 13
  - (c) Month/Year of Project - Start: 09/85 Finish: Unknown
  - (d) Gross Cost of the Project: \$590,000
  - (e) Nature of Financing:
    - (i) Debenture \$590,000
    - (ii) Reserve/Capital Levy \$
    - (iii) Other (Specify) \$
2. City Council Action:
  - (a) Project Approved by Standing Committee Executive
    - (i) Section No. 5 (ii) Report No. 7
  - (b) Financing Approval by Executive Committee
    - (i) Section No. 5 (ii) Report No. 7
  - (c) Date of City Council Approval - April 9, 1985
  - (d) Ontario Municipal Board
    - (i) No. E850450 (ii) Date - June 7, 1985
3. Status of Work-In-Progress Account
  - (a) Centre No. CP908545001
  - (b) Gross Cost as Approved by City Council - \$590,000  
Less: Actual Expenditure \$275,319  
Commitments 275,319  
  
Balance Available \$314,681  
=====
  - (c) Source of Financing - Comments

(B) TO BE COMPLETED BY THE DEPARTMENT CONTROLLING THE PROJECT -

4. Name of the Department Parking Authority
5. Is the project progressing as scheduled per 1(c) above? Yes \_\_\_ No X  
If no, explain. Finance and Administration approved development plans in 1989 to be brought back for consideration.
6. Is the project within the budget allocation? Yes X No \_\_\_  
If no, explain. Under review.

(C) TO BE COMPLETED BY THE DEPARTMENT INITIATING THE PROJECT

7. (a) What is the maintenance cost of this project once it is completed - \$90,809  
(b) Is the amount the same as per approved five year capital budget program? Yes X No \_\_\_  
If no, explain.
8. The first year in which the City current budget is affected - 1986
9. Will it create any new City jobs once completed? Yes \_\_\_ No X  
If yes, quote the number of new City employees' -

PROJECT NAME: PARKING AUTHORITY - JOHN/REBECCA DECKING

as at June 30, 1990

(A) TO BE COMPLETED BY THE TREASURY DEPARTMENT

1. 1990-1994 Five Year Capital Budget Program:
  - (a) Project No. 30.0 (b) Page No.
  - (c) Month/Year of Project - Start: 1990 Finish: 1990
  - (d) Gross Cost of the Project: \$2,600,000
  - (e) Nature of Financing:
    - (i) Debenture \$
    - (ii) Reserve/Capital Levy \$2,600,000
    - (iii) Other (Specify) \$
2. City Council Action:
  - (a) Date of City Council Approval - March 16, 1990
  - (b) Approval by Finance & Administration Committee
    - (i) Section No.
    - (ii) Report No.
  - (c) Ontario Municipal Board
    - (i) No.
    - (ii) Date -
3. Status of Work-In-Progress Account
  - (a) Centre No. CF909045005
  - (b) Gross Cost as Approved by City Council - \$2,600,000
  - Less: Actual Expenditure \$
  - Commitments - -
  - Balance Available \$2,600,000
  - (c) Source of Financing - Comments

(B) TO BE COMPLETED BY THE DEPARTMENT CONTROLLING THE PROJECT -

4. Name of the Department Parking Authority
5. Is the project progressing as scheduled per 1(c) above? Yes ☐ No ☒  
If no, explain. Parking Authority will not be proceeding until final plan developed and funding assured.
6. Is the project within the budget allocation? Yes ☒ No ☐  
If no, explain.

(C) TO BE COMPLETED BY THE DEPARTMENT INITIATING THE PROJECT

7. (a) What is the maintenance cost of this project once it is completed - \$200,000
- (b) Is the amount the same as per approved five year capital budget program? Yes ☒ No ☐  
If no, explain.
8. The first year in which the City current budget is affected - 1990
9. Will it create any new City jobs once completed? Yes ☐ No ☒  
If yes, quote the number of new City employees' -



**PROJECT NAME: PARKING AUTHORITY - KING WILLIAM/MARY DECKING**

as at June 30, 1990

**(A) TO BE COMPLETED BY THE TREASURY DEPARTMENT**

1. 1990-1994 Five Year Capital Budget Program:
  - (a) Project No. 32.0 (b) Page No.
  - (c) Month/Year of Project - Start: 1990 Finish: 1990
  - (d) Gross Cost of the Project: \$3,300,000
  - (e) Nature of Financing:
    - (i) Debenture \$
    - (ii) Reserve/Capital Levy \$ 100,000
    - (iii) Other (Specify) \$3,200,000
2. City Council Action:
  - (a) Date of City Council Approval - March 16, 1990
  - (b) Approval by Finance & Administration Committee
    - (i) Section No.
    - (ii) Report No.
  - (c) Ontario Municipal Board
    - (i) No.
    - (ii) Date -
3. Status of Work-In-Progress Account
  - (a) Centre No. CF909045007
  - (b) Gross Cost as Approved by City Council - \$3,300,000  
Less: Actual Expenditure \$  
Commitments \_\_\_\_\_  
  
Balance Available \$3,300,000  
=====
  - (c) Source of Financing - Comments

**(B) TO BE COMPLETED BY THE DEPARTMENT CONTROLLING THE PROJECT -**

4. Name of the Department Parking Authority
5. Is the project progressing as scheduled per 1(c) above? Yes \_\_\_ No X  
If no, explain.  
This project involves second and third parties which is still being worked on.
6. Is the project within the budget allocation? Yes X No \_\_\_  
If no, explain.

**(C) TO BE COMPLETED BY THE DEPARTMENT INITIATING THE PROJECT**

7. (a) What is the maintenance cost of this project once it is completed - \$100,000  
(b) Is the amount the same as per approved five year capital budget program? Yes X No \_\_\_  
If no, explain.
8. The first year in which the City current budget is affected - 1990
9. Will it create any new City jobs once completed? Yes \_\_\_ No X  
If yes, quote the number of new City employees' -

PROJECT NAME: WEST MOUNTAIN TWIN PAD ARENA

as at June 30, 1990

(A) TO BE COMPLETED BY THE TREASURY DEPARTMENT

1. 1990-1994 Five Year Capital Budget Program:
  - (a) Project No. 53.0 (b) Page No.
  - (c) Month/Year of Project - Start: 1990 Finish: 1992
  - (d) Gross Cost of the Project: \$5,588,410 (see Note)
  - (e) Nature of Financing:
    - (i) Debenture \$4,593,410
    - (ii) Reserve/Capital Levy \$
    - (iii) Other (Specify) \$ 995,000Provincial Grant
2. City Council Action:
  - (a) Date of City Council Approval - March 16, 1990, June 26, 1990
  - (b) Approval by Finance & Administration Committee
    - (i) Section No.
    - (ii) Report No.
  - (c) Ontario Municipal Board
    - (i) No.
    - (ii) Date -
3. Status of Work-In-Progress Account
  - (a) Centre No. CF709041012
  - (b) Gross Cost as Approved by City Council - \$5,588,410  
Less: Actual Expenditure \$ -  
Commitments \_\_\_\_\_
  - Balance Available \$5,588,410  
=====
  - (c) Source of Financing - Comments

Note: Reduced from \$7.6m to \$6.1m by Council May 29, 1990 and by \$512 June 26, 1990.

(B) TO BE COMPLETED BY THE DEPARTMENT CONTROLLING THE PROJECT -

4. Name of the Department Culture and Recreation
5. Is the project progressing as scheduled per 1(c) above? Yes \_\_\_ No X  
If no, explain.
6. Is the project within the budget allocation? Yes \_\_\_ No X  
If no, explain.

(C) TO BE COMPLETED BY THE DEPARTMENT INITIATING THE PROJECT

7. (a) What is the maintenance cost of this project once it is completed - \$440,000  
(b) Is the amount the same as per approved five year capital budget program? Yes X No \_\_\_  
If no, explain.
8. The first year in which the City current budget is affected - Unknown
9. Will it create any new City jobs once completed? Yes X No \_\_\_  
If yes, quote the number of new City employees' - 2 Mt. Twin - #322  
6 Twin Pad

STATUS REPORT - CAPITAL PROJECT

PROJECT NAME: PLAYGROUND EQUIPMENT - VARIOUS LOCATIONS

as at June 30, 1990

(A) TO BE COMPLETED BY THE TREASURY DEPARTMENT

1. 1990-1994 Five Year Capital Budget Program:
  - (a) Project No. 54.0 (b) Page No.
  - (c) Month/Year of Project - Start: 01/90 Finish: 12/90
  - (d) Gross Cost of the Project: \$100,000
  - (e) Nature of Financing:
    - (i) Debenture \$
    - (ii) Reserve/Capital Levy \$100,000
    - (iii) Other (Specify) \$
2. City Council Action:
  - (a) Date of City Council Approval - March 16, 1990 (see Note)
  - (b) Approval by Finance & Administration Committee
    - (i) Section No.
    - (ii) Report No.
  - (c) Ontario Municipal Board
    - (i) No.
    - (ii) Date -
3. Status of Work-In-Progress Account
  - (a) Centre No. CFVarious
  - (b) Gross Cost as Approved by City Council - \$100,000  
Less: Actual Expenditure \$ (Council  
Commitments 16,500 16,500 Approvals)
  - Balance Available \$ 83,500  
=====
  - (c) Source of Financing - Comments

NOTE: Priority listing to Standing Committee before commencement.

(B) TO BE COMPLETED BY THE DEPARTMENT CONTROLLING THE PROJECT -

4. Name of the Department Culture and Recreation
5. Is the project progressing as scheduled per 1(c) above? Yes X No     
If no, explain.
6. Is the project within the budget allocation? Yes    No X  
If no, explain.  
Additional fund being requested.

(C) TO BE COMPLETED BY THE DEPARTMENT INITIATING THE PROJECT

7. (a) What is the maintenance cost of this project once it is completed - \$5,000  
(b) Is the amount the same as per approved five year capital budget program? Yes X No     
If no, explain.
8. The first year in which the City current budget is affected - 1990
9. Will it create any new City jobs once completed? Yes X No     
If yes, quote the number of new City employees' - 2



PROJECT NAME: SENIOR CITIZEN'S CENTRE

as at June 30, 1990

(A) TO BE COMPLETED BY THE TREASURY DEPARTMENT

1. 1990-1994 Five Year Capital Budget Program:
  - (a) Project No. 56.0
  - (b) Page No.
  - (c) Month/Year of Project - Start: 11/90 Finish: 11/92
  - (d) Gross Cost of the Project: \$2,100,000
  - (e) Nature of Financing:
    - (i) Debenture \$2,100,000
    - (ii) Reserve/Capital Levy \$
    - (iii) Other (Specify) \$
2. City Council Action:
  - (a) Date of City Council Approval - March 16, 1990
  - (b) Approval by Finance & Administration Committee
    - (i) Section No.
    - (ii) Report No.
  - (c) Ontario Municipal Board
    - (i) No.
    - (ii) Date -
3. Status of Work-In-Progress Account
  - (a) Centre No. CP709041013
  - (b) Gross Cost as Approved by City Council - \$2,100,000
  - Less: Actual Expenditure \$
  - Commitments \_\_\_\_\_
  - Balance Available \$2,100,000
  - =====
  - (c) Source of Financing - Comments

(B) TO BE COMPLETED BY THE DEPARTMENT CONTROLLING THE PROJECT -

4. Name of the Department Culture and Recreation
5. Is the project progressing as scheduled per 1(c) above? Yes \_\_\_ No X  
If no, explain.  
Consultants report behind schedule.
6. Is the project within the budget allocation? Yes X No \_\_\_  
If no, explain.

(C) TO BE COMPLETED BY THE DEPARTMENT INITIATING THE PROJECT

7. (a) What is the maintenance cost of this project once it is completed - \$400,000
- (b) Is the amount the same as per approved five year capital budget program? Yes X No \_\_\_  
If no, explain.
8. The first year in which the City current budget is affected - 1991
9. Will it create any new City jobs once completed? Yes X No \_\_\_  
If yes, quote the number of new City employees' -

STATUS REPORT - CAPITAL PROJECT

PROJECT NAME: CHEDOKE GOLF COURSE STORAGE AND WORKSHOP

as at June 30, 1990

(A) TO BE COMPLETED BY THE TREASURY DEPARTMENT

1. 1986-1990 Five Year Capital Budget Program:
  - (a) Project No. 36626 (b) Page No. 19
  - (c) Month/Year of Project - Start: 06/86 Finish: see Note
  - (d) Gross Cost of the Project: \$161,00
  - (e) Nature of Financing:
    - (i) Debenture \$
    - (ii) Reserve/Capital Levy \$161,000
    - (iii) Other (Specify) \$
2. City Council Action:
  - (a) Project Approved by Standing Committee P. & R.  
(Section No. Various (ii) Report No. Various
  - (b) Financing Approval by Executive Committee  
(i) Section No. Various (ii) Report No. Various
  - (c) Date of City Council Approval - Various
  - (d) Ontario Municipal Board  
(i) No. N/A (ii) Date - N/A
3. Status of Work-In-Progress Account
  - (a) Centre No. CF628641001
  - (b) Gross Cost as Approved by City Council - \$161,000  
Less: Actual Expenditure \$ -  
Commitments -  
Balance Available \$161,000  
=====
  - (c) Source of Financing - Comments

(B) TO BE COMPLETED BY THE DEPARTMENT CONTROLLING THE PROJECT -

4. Name of the Department Property - Architectural Division  
(Parks Division)
5. Is the project progressing as scheduled per 1(c) above? Yes \_\_\_ No X  
If no, explain.  
Note: On hold pending a review of the best expansion alternative.
6. Is the project within the budget allocation? Yes X No \_\_\_  
If no, explain.

(C) TO BE COMPLETED BY THE DEPARTMENT INITIATING THE PROJECT

7. (a) What is the maintenance cost of this project once it is completed - \$1,000  
(b) Is the amount the same as per approved five year capital budget program? Yes X No \_\_\_  
If no, explain.
8. The first year in which the City current budget is affected - 1990
9. Will it create any new City jobs once completed? Yes \_\_\_ No X  
If yes, quote the number of new City employees' -

PROJECT NAME: COPPS COLISEUM - PRIVATE BOXES - STUDY

as at June 30, 1990

(A) TO BE COMPLETED BY THE TREASURY DEPARTMENT

1. 1990-1994 Five Year Capital Budget Program:
  - (a) Project No. 88.1
  - (b) Page No.
  - (c) Month/Year of Project - Start: 10/90 Finish: 12/90 (Pending decision on NHL Franchise)
  - (d) Gross Cost of the Project: \$100,000
  - (e) Nature of Financing:
    - (i) Debenture \$
    - (ii) Reserve/Capital Levy \$100,000
    - (iii) Other (Specify) \$
2. City Council Action:
  - (a) Date of City Council Approval - March 16, 1990
  - (b) Approval by Finance & Administration Committee
    - (i) Section No.
    - (ii) Report No.
  - (c) Ontario Municipal Board
    - (i) No.
    - (ii) Date -
3. Status of Work-In-Progress Account
  - (a) Centre No. CF929051003
  - (b) Gross Cost as Approved by City Council - \$100,000
  - Less: Actual Expenditure \$
  - Commitments \_\_\_\_\_
  - Balance Available \$100,000
  - =====
  - (c) Source of Financing - Comments

(B) TO BE COMPLETED BY THE DEPARTMENT CONTROLLING THE PROJECT -

4. Name of the Department H.E.C.F.I.
5. Is the project progressing as scheduled per 1(c) above? Yes \_\_\_ No X  
If no, explain.  
Pending decision on NHL Franchise.
6. Is the project within the budget allocation? Yes X No \_\_\_  
If no, explain.

(C) TO BE COMPLETED BY THE DEPARTMENT INITIATING THE PROJECT

7. (a) What is the maintenance cost of this project once it is completed - \$N/A
- (b) Is the amount the same as per approved five year capital budget program? Yes X No \_\_\_  
If no, explain.
8. The first year in which the City current budget is affected - N/A
9. Will it create any new City jobs once completed? Yes \_\_\_ No X  
If yes, quote the number of new City employees' -



PROJECT NAME: WATERFRONT REDEVELOPMENT - HAMILTON'S WEST HARBOUR

as at June 30, 1990

(A) TO BE COMPLETED BY THE TREASURY DEPARTMENT

1. 1990-1994 Five Year Capital Budget Program:

- (a) Project No. 112.0 (b) Page No.  
(c) Month/Year of Project - Start: 1990 Finish: 1994  
(d) Gross Cost of the Project: \$30,250,000  
(e) Nature of Financing: (i) Debenture \$ 3,700,000  
(ii) Reserve/Capital Levy \$  
(iii) Other (Specify) \$26,550,000  
Province - \$13,275,000  
Federal - \$13,275,000

2. City Council Action:

- (a) Date of City Council Approval - March 16, 1990 (see Note)  
(b) Approval by Finance & Administration Committee  
(i) Section No. (ii) Report No.  
(c) Ontario Municipal Board  
(i) No. (ii) Date -

3. Status of Work-In-Progress Account

- (a) Centre No. CF418454011  
(b) Gross Cost as Approved by City Council - \$500,000 (1990 Portion)  
Less: Actual Expenditure \$  
Commitments \_\_\_\_\_  
Balance Available \$500,000  
-----  
(c) Source of Financing - Comments

NOTE: Requires separate approval by Standing Committee before commencement.

(B) TO BE COMPLETED BY THE DEPARTMENT CONTROLLING THE PROJECT -

4. Name of the Department Community Development
5. Is the project progressing as scheduled per 1(c) above? Yes \_\_\_ No X  
If no, explain. Delay in environmental clean-up funding has delayed entire project for 1 year.
6. Is the project within the budget allocation? Yes X No \_\_\_  
If no, explain.

(C) TO BE COMPLETED BY THE DEPARTMENT INITIATING THE PROJECT

7. (a) What is the maintenance cost of this project once it is completed - \$Unknown  
(b) Is the amount the same as per approved five year capital budget program? Yes X No \_\_\_  
If no, explain.
8. The first year in which the City current budget is affected - 1992
9. Will it create any new City jobs once completed? Yes X No \_\_\_  
If yes, quote the number of new City employees' -  
Unknown at this date.

# HAMILTON PUBLIC LIBRARY



55 YORK BOULEVARD, BOX 2700, STATION A. Envoy Address: HAM.PUB.LIB.  
HAMILTON, ONTARIO L8N 4E4 Tel: (416) 529-8111, Fax: (416) 529-5326

Appendix "D" as referred to in  
Section 40 of the TWENTIETH Repo  
of the Finance and Administratio  
Committee for 1990.

JUN 08 1990

June 7, 1990

Alderman Brian Hinkley, Chairman  
Finance & Administration Committee  
The Corporation of the City of Hamilton  
City Hall  
71 Main Street West  
HAMILTON, Ontario L8N 3T4

Attention: John Thompson, Secretary, Finance & Administration  
Committee

Dear Alderman Hinkley:

Re: Feasibility of Establishing a Municipal Archive

The Hamilton Public Library Board, acting on a resolution of City Council dated September 1, 1987, established an Archives Committee reporting to the Library Board. The resolution reads as follows:

"That the City Council request the Hamilton Public Library to provide a report outlining the studies and actions necessary for the development of a City Archive".

Under the Chairmanship of Alderman David Christopherson, the Archives Committee initiated a review of the current issues regarding municipal archives and consulted broadly with representatives of area municipalities, local boards and commissions.

As a result of consultation, the Library Board developed a budget for a feasibility study for a municipal archives and initiated a grant from the Ministry of Culture & Communications for matching funding.

The Library Board recently received confirmation that the provincial funding is in place.

CHIEF EXECUTIVE OFFICER: Judith McAnanama

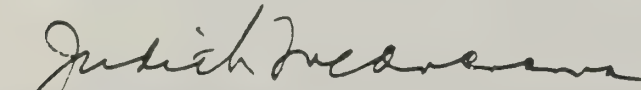
LIBRARY BOARD: Alderman David Christopherson, Linda Church, Perce Diebel, Angelo Dilanni,  
Jackie Isbester, Doreen Johnson, Margaret McGillivray, Tom Radigan, Peter Rogers, Alderman John Smith, John Syko

As well, a number of local municipalities, boards and commissions have agreed to take part in the study and assist with the funding.

I have attached for the Committee's information the final report of the Archives Committee which was endorsed by the Library Board at its meeting of May 28th, 1990.

This report constitutes the Library Board's report regarding its actions to respond to the City Council resolution. If the Committee wishes further information regarding the activities of the Board, we would be pleased to answer further questions.

Yours sincerely,



Judith McAnanama  
Chief Executive Officer/Secretary

JMCA/kc  
Attach.



FINAL REPORT OF THE HAMILTON PUBLIC LIBRARY BOARD  
RE: DEVELOPMENT OF A CITY ARCHIVE  
DATED JUNE 7, 1990

**I. ARCHIVES: INTRODUCTION**

Archival materials encompass a wide range of form and media, all of which are intended to communicate and transmit information. Nonetheless, they have one thing in common: after careful appraisal they are deemed worthy of long term or permanent preservation. Created in response to both research and administrative needs, archives serve a very broad clientele. Researchers from a multitude of disciplines and with a wealth of interests ranging from academics to members of the general public turn to archives when studying the past.

Archives also serve as a corporate memory of their sponsoring agency, whether public or private institutions. Archives consequently are a practical response to the need for quick access to reliable information which enables decision makers to act with full possession of the facts of the past. Moreover, as part of the process of records management, archives are an important factor contributing to the development of efficient and cost-effective administration.

In Ontario, the enactment of the Freedom of Information and Protection of Privacy Act at the municipal/local level, as of January 1st, 1991, not only will make it critical that municipalities adopt good record management practices, but also reinforces and highlights the importance of archives at the municipal level.

**II. ESTABLISHMENT OF ARCHIVES COMMITTEE**

In December, 1987, at the request of Hamilton City Council, the Hamilton Public Library Board established a committee to examine the need for a municipal archive in Hamilton. Members of this committee were drawn from City Council, the Library Board, the Hamilton Historical Board, the City Clerk's Office and the Special Collections Department of the Hamilton Public Library.

The Committee was composed of the following:

Alderman David Christopherson, Chair  
Tom Radigan, Hamilton Public Library Board  
Judith McAnanama, C.E.O., Hamilton Public Library  
Carolyn Gray, Hamilton Historical Board  
Stan Hollowell, City Clerk's Office  
Brian Henley, Special Collections Department, Hamilton  
Public Library

The Committee established the following as the scope of their work:

1. The development of a collection policy statement for a future municipal archive.
2. A review of the Hamilton Public Library's Special Collections mandate.
3. A review of current initiatives in the province regarding municipal archives.
4. A review of the Freedom of Information and Protection of Privacy Act.
5. A review of various literature regarding existing archival models and principles.
6. A brief review of the current status of the archives of the Regional Municipality of Hamilton-Wentworth and the City of Hamilton.

In the course of its deliberations, the Committee decided to broaden the geographical scope of its investigation to include, not only the City of Hamilton, but also the Regional Municipality of Hamilton-Wentworth, its constituent municipalities and townships and various regional/municipal boards and commissions.

The Committee hosted three (3) planning lunches to which representatives from the area municipalities and regional municipal boards and commissions were invited. The concept of the establishment of a municipal archive was explored and preliminary discussions regarding support for the initiation of a feasibility study took place. As a result of these meetings, the representatives attending expressed support for a feasibility study.

Upon completion of this work the Archives Committee recommended to the Hamilton Public Library Board that a feasibility study for the establishment of an archive of municipal records be initiated and that the possibility of utilizing provincial funds matched with municipal and local board contributions be explored.

The Hamilton Public Library Board at its meetings of April 17, 1989 and November 20, 1989 passed the following motions:

1. That the Hamilton Public Library Board allocate the sum of \$2,000.00 representing its share of the cost of hiring a consultant to conduct a feasibility study for the establishment of an archive of municipal records. (April 17, 1989)
2. That the Hamilton Public Library Board undertake a feasibility study for the establishment of an archive of municipal records within the Hamilton Wentworth Region and make a request for a grant under the Cultural Facilities Improvement Program, and (November 20, 1989)
3. That the Hamilton Public Library Board manage the feasibility study and establish an appropriate account so that participants may transfer their committed funds to the Library Board for deposit and payment approval once the study is underway. (November 20, 1989)

### III. SUMMARY OF THE ARCHIVE COMMITTEE INVESTIGATION

In the century and a half since the City of Hamilton was incorporated, a large proportion of the records generated by the City and its agencies and boards have been lost, destroyed or otherwise alienated from their creating agency. In spite of this, a considerable amount of archival material remains. It has proven invaluable for research done by academics from a wide range of disciplines and the general public and has proved important in the conduct of City business particularly with reference to court cases.

During its review of archive reports, the Committee concluded that municipalities often are faced with a quandry when dealing with their records. On the one hand, often they are hesitant to destroy or otherwise dispose of records in the belief that they may be needed at a later date.



On the other hand, it is impossible to preserve each record which is created in the conduct of municipal business: this is cost prohibitive and leads to confusion and overcrowding. In the case of the City of Hamilton, historical records have been listed for destruction in municipal bylaws. Material, deemed to be expendable, a portion of which today would be viewed to constitute a valuable archive record, both as evidence of the operations of local government and as a research source, ranged from committee minute books to departmental scrapbooks, ledgers, journals and correspondence.

Currently, retention and preservation of municipal records in Hamilton is governed and regulated by the City of Hamilton's Records Retention Bylaw (No. 81-21 A) which was prepared in accordance with statutory requirements. The bylaw provides schedules of records to be retained by each department with descriptions of materials involved and notations concerning the period of retention.

In the course of its investigation, the Committee determined that there is no central repository for archival materials generated by the local municipalities. Municipal departments traditionally have retained physical custody over their own historical records and determined user access in cases where material could be located and retrieved. Records are scattered among numerous locations which do not meet recognized standards for storage and environmental controls.

Some municipal departments have transferred their historical records to the Special Collections Department of the Hamilton Public Library:

This action has lead to serious overcrowding. City departments faced similar overcrowding and, focussed on more immediate operational requirements, often are unable to ensure the viability of the archival material in their custody and to meet the rapidly growing demand on the part of the public for access.

An additional and important factor contributing to the lack of central control is the absence of a comprehensive records retention bylaw prepared not only according to the statutory requirements determining records retention (i.e. the Municipal Act) but also with an awareness of the archival value of records. The Committee is aware that archives and good records management practices go hand in hand.

The Committee concluded that this situation, combined with increased public demand for access to records, and the requirements of the Ontario Government's Freedom of Information and Protection of Privacy Act to be enacted at the municipal level in January 1991, make it imperative that the historical records of the local municipalities and boards be preserved, vetted and made accessible. The Freedom of Information Act permits the right of access to information in accordance with the principles that information should be available to the public, that exemptions to the right of access should be limited and specific, and that the personal privacy of individuals must be protected. In order to respond to the Act, municipalities/boards will need to have good records management practices in place. Moreover, the Act holds the potential of increasing public demand for municipally generated records.

The Committee recognized that the creation of an archives would be of great assistance in responding to the Act in the long term.

#### IV. DESCRIPTION OF THE PROPOSED STUDY

The proposed study will assess the state of records management of municipally generated records within the Hamilton/Wentworth Region, determine the scope of a municipal archives which is necessary, and propose an implementation plan for the establishment of a municipal archive.

The study participants will include:

- The City of Hamilton
- The Regional Municipality of Hamilton/Wentworth
- Hamilton Entertainment and Convention Facilities Inc. (HECFI)
- The Hamilton Public Library Board
- The Town of Ancaster
- The Town of Dundas
- The Township of Flamborough
- The Township of Glanbrook
- The Hamilton/Wentworth Regional Police
- The Hamilton Board of Education
- The Hamilton/Wentworth Roman Catholic Separate School Board

The study will be carried out by a consultant, or a number of consultants, who will be hired by and report to a broad-based Steering Committee.

The selected consulting firm will be required to include personnel with expertise in records management, archives management and facility planning.

The Steering Committee will be composed of the following members:

Councillors: Hamilton - one member

Hamilton/Wentworth Region - one member

Other Municipalities - one member to represent each area municipality

Hamilton Public Library Board - one member

Hamilton Public Library - Chief Executive Officer

City of Hamilton Clerk's Office - one member

Hamilton/Wentworth Region Clerk's Office - one member

School Boards - one member from each board

Hamilton-Wentworth Regional Police Commission - one member

H.E.C.F.I. (Hamilton Entertainment & Convention Facilities Inc.) - one member

Archives Committee members will act as resource people to the Steering Committee.

The study shall include:

1. The identification of municipal record holdings and their use.
2. The identification of capital and operating costs and the development of a costing model.
3. The description of space requirements.
4. The development of a storage model.



The consultant will prepare a report for each participant which will:

- i) Describe the impact upon the need of access to the municipal records by the Freedom of Information and Privacy Act.
- ii) Describe the state of records management of its municipally generated record.
- iii) Identify any specific improvement in existing records management activities/policies required to contribute towards a functioning municipal archive.

The consultant also will prepare a master report which will:

- i) summarize the state of records management of each participant and the impact of the Freedom of Information Act upon the need of access to those records.
- ii) document the extent to which support exists for the creation of a centralized municipal archives.
- iii) propose a plan of action to implement the findings of the study.

It is anticipated that the study will require six (6) months to complete from the date of retaining the consultant.

V. BENEFIT OF INITIATING A FEASIBILITY STUDY

The Archives Committee believes that a feasibility study on behalf of the area municipalities and local boards and commissions will provide a mechanism to maximize the benefits and to minimize the costs of examining the archival material generated at the municipal level and to provide sufficient information to be used as a planning guide for the future preservation and accessibility of these records to the community.

The feasibility study will achieve the following objectives:

1. Identification of municipal record holdings and their use.
2. A description of space requirements.

3. The identification of an appropriate storage model or models.
4. The identification of the capital costs necessary to fund the establishment of one or more municipal/local board archives.
5. The identification of the operating costs necessary to maintain these archives.
6. The identification of the extent to which support exists for the creation of a centralized municipal archives.
7. The development of a plan of action to implement the findings of the study.

#### VI. CONCLUSION

The Hamilton Public Library Archives Committee, through its investigation, has concluded that the development of a long term plan to ensure the preservation and accessibility of municipal records is necessary. It is the Committee's belief that whether heritage is defined as being a building, museum, artifact or archival record, it is a non-renewable resource. The protection of our municipal heritage is essential. It is the expectation of the Committee that the recommendations emanating from the feasibility study will provide the foundation to ensure that Hamilton-Wentworth will preserve the knowledge and municipal experience that has been developed over two (2) centuries. Our municipal archives have suffered from the lack of appropriate attention and financial support. The Archives Committee believes that the introduction of the Freedom of Information and Protection of Privacy Act provides a timely catalyst for the long range planning for the preservation of our municipal records.

VII. APPENDICES

APPENDIX I - MUNICIPAL ARCHIVES COLLECTION POLICY

APPENDIX II - HAMILTON PUBLIC LIBRARY SPECIAL COLLECTIONS  
MANDATE

APPENDIX III - TERMS OF REFERENCE FOR A FEASIBILITY STUDY FOR  
THE ESTABLISHMENT OF AN ARCHIVE OF MUNICIPAL  
RECORDS



APPENDIX IMUNICIPAL ARCHIVES COLLECTION POLICY

The primary focus of records' acquisition in the Municipal Archives shall consist of public records; that is, records generated by the Municipalities/Local Boards and School Boards of Hamilton-Wentworth (excluding the City of Stoney Creek and the Wentworth County Board of Education) their departments, committees, task forces, and organizations. Any and all corporate records which reflect the history of the office, its growth and change, its staff and programmes, its policies, procedures and relationships fall within the purview of this mandate. "Records" shall be defined as any correspondence, memoranda, forms, films, sound recordings, microfilm, variable data forms, or other documentary material regardless of physical form or characteristic created in, acquired, or received by a department, civic board, or agency in pursuance of civic law or in connection with the transaction of public business.

Public records which have historic value and have been alienated from the originating body will be sought out and transferred directly to the Archives.

The Municipal Archives shall collect private, non-government records which relate to the history of municipal government in Hamilton-Wentworth that is, the personal records of elected officials and public servants at the termination of their term of office.

November, 1989 Revised

## APPENDIX II

### Hamilton Public Library

#### SPECIAL COLLECTIONS MANDATE

Formed in October, 1974, the Special Collections Department assumed responsibility for three distinct subject collections already existing within the Hamilton Public Library system. A brief description of each collection and its mandate follows:

1. Rare Books/Special Editions

This collection contains examples of early printed books, fine bindings, limited editions, signed copies, etc. Special Collections adds to this collection on a regular basis via purchase and donations - a representative rather than a comprehensive collection mandate.

2. Canadiana Collection

One of the most comprehensive collections extant of books about Canada, by Canadians or published in Canada, published before the year 1951. This collection began with the formation of the first Hamilton Public Library in 1889, and became a separate reference only collection in 1914. Subject areas emphasized in collection development include Ontario local histories, and books relating to Arctic exploration and the War of 1812.

3. Local History Collection

Formerly known as the Hamilton Collection, the mandate for this set of materials has been expanded to include the geographical boundaries of the Regional Municipality of Hamilton-Wentworth.

The mandate of the Local History Collection is to collect, preserve and make publically accessible, information in a wide variety of formats, relating to individuals and organizations involved in the historical development of the City of Hamilton and the former Wentworth County (currently known as the Regional Municipality of Hamilton-Wentworth).

The Local History Collection includes the following types of material:

### 3.1 Books

General historical works relating to the City of Hamilton and the surrounding communities in the Regional Municipality of Hamilton-Wentworth. Fiction, poetry and other works written by authors born in, or residing in Hamilton-Wentworth plus city and suburban directories.

### 3.2 Newspapers and Periodicals

Magazines and newspapers published in Hamilton-Wentworth. Extensive microfilm collections of greater Hamilton area newspapers from the early nineteenth century to the present. Extensive newspaper clipping files and scrapbooks carefully indexed for information relating to Hamilton-Wentworth subject areas.

### 3.3 Maps

A substantial map collection and aerial photographs of Hamilton-Wentworth area.

### 3.4 Photograph Collection

A major collection of historical and current photographs relating to subjects in the Regional Municipality of Hamilton-Wentworth. Portraits, streetscapes, views of buildings and views of special events are emphasized.

### 3.5 Archives

Original, primary historical documents relating to individuals and organizations within the City of Hamilton and the former County of Wentworth. Includes correspondence, diaries, business and family papers, legal documents (i.e. wills, deeds) book manuscripts, etc.

### 3.6 Genealogy Collection

An extensive collection of materials useful for genealogists tracing family connections of residents of Hamilton-Wentworth area. Includes census rolls, various Birth, Death and Marriage Registers from townships in former Wentworth County, Voters' Lists, Funeral records, assessment rolls, etc.



APPENDIX III

**FINAL**

TERMS OF REFERENCE

FOR A FEASIBILITY STUDY FOR THE ESTABLISHMENT  
OF AN ARCHIVE OF MUNICIPAL RECORDS

February 5, 1990

**I. BACKGROUND**

In December, 1987, at the request of Hamilton City Council, the Hamilton Public Library Board established a committee to examine the need for a municipal archive in Hamilton. Members of this Committee were drawn from Hamilton City Council, the Hamilton Public Library Board, the Hamilton Historical Board, the Hamilton City Clerk's office, and the Special Collections Department of the Hamilton Public Library.

In the course of their deliberations, the Committee decided to broaden the geographical and administrative scope of their investigation in order to incorporate, not only the City of Hamilton, but also the Regional Municipality of Hamilton-Wentworth, its constituent municipalities and townships and various regional/municipal boards.

In the century and a half since the City of Hamilton was incorporated, a large proportion of the records generated by the City have been lost, destroyed or otherwise alienated from their creating agency. In spite of this, a considerable amount of historical material remains. It has proven invaluable for research done by academics from a wide range of disciplines and the general public, and has assisted in the conduct of city business, particularly with reference to court cases.

There is no central repository for historical material. Each department retains physical custody over its own historical records and determines user access in cases where material can be located and retrieved. Records are scattered among numerous locations which do not have appropriate storage and environmental controls.

City departments are unable, to ensure the viability of material in their custody, and to meet the rapidly growing demand on the part of the public for access.

An additional factor contributing to the absence of central control is the lack of a comprehensive records retention by-law.

This situation, combined with increased demand for public access and the requirements of the Ontario Government's Freedom of Information and Privacy Act, to be enacted at the municipal level in January of 1991, makes it imperative that the historical records of the City be preserved, vetted and made accessible. It was in recognition of the City's responsibility and obligations to its historical records, and of a desire to correct the existing situation that the Archives Committee was established.

Two meetings were held with representatives from area municipalities/boards on September 20, 1988 and January 19, 1989.

It was agreed to expand the scope of the study to encompass all municipally generated archives within the Hamilton-Wentworth Region. Therefore, it has been determined that a study should be undertaken to examine the feasibility of creating an archive for municipally generated records within the Hamilton-Wentworth Region.

The study will include:

- The City of Hamilton
- The Regional Municipality of Hamilton-Wentworth
- Hamilton Entertainment & Convention Facilities Inc.
- The Hamilton Public Library Board
- The Town of Ancaster
- The Town of Dundas
- Town of Flamborough
- Township of Glanbrook
- Hamilton-Wentworth Regional Police
- The Hamilton Board of Education
- The Hamilton-Wentworth Roman Catholic Separate School Board

## II. PURPOSE OF THE STUDY

The study will assess the state of records management of municipally generated records within the Hamilton-Wentworth region, determine the scope of a municipal archives which is necessary and propose an implementation plan for the establishment of a municipal archives.

### III. INFORMATION AVAILABLE TO THE CONSULTANTS

In conducting this feasibility study, the consultant should review the background materials compiled by the Archives Committee, the current records retention by-laws for the study participants and the report of the consultant for a Regional Records Centre for the Regional Municipality of Hamilton-Wentworth.

Collection scope policies have been developed for the Hamilton Public Library Special Collections Department and the proposed Municipal Archives. These policies are attached in Appendix No. 1 and define the collection jurisdiction of each facility. It should be noted that it is anticipated that the municipal archive will collect the personal records of elected officials and public servants. This portion of the collection is not part of this feasibility study.

The minutes of the committee and the reports prepared for the committee, including the Hamilton Public Library Special Collections Department's draft mandate and the proposed Archives Collection Policy also are to be reviewed.

The consultant will review the 1986 survey of the Historical Records of the City of Hamilton, 1847-1973 by C. Gray, which provides a preliminary analysis and arrangement of municipally-generated records held by the City of Hamilton and the Hamilton Public Library, the Archives Grant Guide published by the Ontario Association of Archivists, and Bulletin 46, Records Retention By-laws, published by the Ministry of Municipal Affairs and Housing.

In developing the alternative archival models, special attention should be paid to the examples of the City of Ottawa Archives, the Metropolitan Toronto Archives, and the Simcoe County Archives, and visits arranged to these institutions if so required.

### IV. SCOPE OF STUDY

#### 1. Identification of Municipal Record Holdings and Their Use.

The consultant will conduct a municipal records inventory of each participating body in order to determine the state of current records management practices in the Hamilton-Wentworth Region.



The inventory will identify, by owner, the size of the record holding, including:

- the volume of inactive and active records
- the volume of records which can be determined to be archival
- the range and volume of formats to be stored and,
- the anticipated future growth of the records which will eventually be deemed archival.

The consultant will identify the volume of records which can be determined to be related to operations of which it is anticipated a small percentage will be eligible for archive purposes.

The Consultant will define, within the context of the approved archive collection guidelines, (see attached) and relative to the inventory of municipal records completed, the amount of municipal records which exist for each municipality/local board, the location of those holdings and the users of those records.

In determining the location of the municipal records, the consultant will include information regarding ownership of the records and the current regulations regarding access to the records, including the existence of a records retention by-law.

The consultant will describe the extent to which the existing municipal records are accessible to the range of users who have been identified as requiring access.

The consultant will describe the various methods of retrieval, the application of indexing models and the use of automation.

The consultant will examine the impact of the Freedom of Information and Privacy Act upon the existing municipal records. The consideration of the impact of the Act will include answers to such questions as:

- will there be a significant increase in the number of users requiring access to the municipal records?
- will the number of municipal records currently open to the public require special handling in order to satisfy the privacy portion of the Act?

- will each municipality and/or local board be required to provide additional staff resources to manage the requests for access?

The consultant will determine the current level of satisfaction by the users of municipal records and identify areas requiring improvement.

2. Description of Space Requirements

Based upon the records inventory completed, the consultant shall determine the current volume of records, the growth of those records over twenty-five (25) years, and identify the extent to which all of the held records are eligible for archival storage.

The consultant will recommend the physical environment needed to maintain the records to accepted archival standards; the number of staff needed to ensure that appraisal processing, conservation and access requirements are met, and the administrative structure needed to ensure that the records are managed in a manner which reflects the requirements of the Municipal Act, the Freedom of Information and Privacy Act, and any other relevant provincial acts which affect municipal/local board records.

The consultant shall identify the size and type of facility/facilities that are required and the physical locations which will ensure, both ease of access, and proper environmental control.

The consultant will identify the existing forms of archival records, i.e.:

- microreprographic
- electronic conversion
- original format, etc.

3. Storage Model

The consultant will contact all municipalities and local boards located within the Hamilton-Wentworth Region to determine the willingness of each municipality/board to store archival records in a central storage location.

The consultant shall, based upon the willingness of the owners of archives to share storage facilities, and based upon space requirements and need of access to the archives, recommend whether or not the archives will be stored in one central location or will be distributed within the Hamilton-Wentworth Region. Consideration should be given to whether or not there is support for sub-categories of central storage or sub-units of centralized storage.

#### 4. Costs

The consultant will identify the capital costs of leasing or new construction necessary to fund the establishment of one or more municipal/local board archives and shall identify all start-up operating costs, and the annual operating costs necessary to maintain the services over five (5) years.

The consultant will identify the level of support available from the key funding bodies within the Hamilton-Wentworth Region, (e.g. Hamilton-Wentworth Regional Council, City of Hamilton Council, area municipalities and local area boards).

The consultant will also investigate additional and/or alternative sources of funding and/or the potential for local corporate sponsorship.

In the event that the consultant is able to identify more than one body willing to deposit its municipal records in a municipal archive, the consultant will develop and recommend appropriate cost sharing formulas of both capital and operating costs for the operation of the archive.

The consultant will recommend whether or not the project is feasible, identify the benefits to be achieved through the project and describe the costs/consequences to interests of participant organizations if an archive is not established.

#### 5. Consultant Recommendations

5.1 The consultant will prepare a report for each participant which will:

- Describe the impact upon the need of access to the municipal records by the Freedom of Information and Privacy Act.



- Describe the state of records management of its municipally generated records.
  - Identify any specific improvements in existing records information management activities/policies required to contribute towards a functioning municipal archive.
- 5.2 The consultant will prepare a master report which:
- will summarize the state of records management of each participant and the impact of F.O.I. upon the need of access to those records.
  - will document the extent to which support exists for the creation of a centralized municipal archives, and
  - will propose a plan of action to implement the findings of the study.

V. MANAGEMENT OF THE PROJECT

1. Steering Committee

The project should be managed by a steering committee comprised of members of the organizations listed below. The steering committee will replace the Hamilton Public Library Archives Committee.

The committee structure proposed is as follows:

Councillors:	Hamilton - one (1) member. Hamilton-Wentworth Region - one (1) member. Other municipalities - one (1) member to represent each area municipality.
Library:	Chief Executive Officer - Hamilton Public Library.
Clerk's Offices:	Hamilton - one (1) member. Hamilton-Wentworth Region - one (1) member.
School Boards:	One (1) member from each board.
Regional Police Commission:	One member.

Hamilton Public  
Library Board: One member.

Archives Committee  
(Library): Will act as resource people to steering  
committee.

## 2. Study Management

The consultant will report on a regular basis to the steering committee who in turn will make copies available to their respective organizations.

### i) Meetings

The chairman, or his/her representative, will arrange and conduct all meetings. A quorum will be fifty (50%) percent plus one (1) of all members.

### ii) Questionnaire

The designing of questionnaires will be the function of the consultant. The committee may request that the consultant seek advice from the Ontario Archives to ensure that proper questions are being asked.

The administering of the survey questions will be the responsibility of the consultant with the co-operation of the participating municipal clerks, and the directors of education of participating school boards.

### iii) Conducting Interviews

The consultant will interview those municipal officers whose input is required to gather the data specified.

Consideration should be given to interviewing outside organizations that may have municipally generated documents of value worth preserving. There are many such organizations in the city. The following is a short list;

- The Head-of-the-Lake Historical Society
- The Hamilton branch of the Ontario Genealogical Society
- The now defunct Wentworth Women's Historical Society
- Hamilton Historical Association

### iv) Coordination

The project will be co-ordinated through the established steering committee.

The consultant will be expected to report to the steering committee on a regular basis, which will be established at the time the contract is awarded. The steering committee will prepare timely reports to the funding bodies which will provide information regarding progress and will identify those stages in the process which require action on the part of the funding bodies. The steering committee will work with the consultant to schedule the presentation of the final report to each funding body.

v) Printing of Reports

The consultant will prepare two copies of the report on the state of records management which is to be prepared for each participant and will prepare two copies of the global report for each participant.

vi) Timetable

March 1, 1990 -	Consultant on stream.
May 1, 1990 -	Consultant's first progress report to the Steering Committee.
July 1, 1990 -	Consultant's second progress report to the Steering Committee.
July 30, 1990 -	Committee receives final report.
August 30, 1990 -	Committee approves final report.
August 31, 1990 -	Consultant's report ready for presentation to the funding bodies.

vii) Budget

Estimated total study cost:	\$ 90,000.00
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Sources of Funding

Ministry of Culture and Communications Cultural Facilities Improvement Program	45,000.00
City of Hamilton	13,058.00
Regional Municipality of Hamilton- Wentworth	13,057.00
Hamilton Entertainment & Convention Facilities Inc. (HECFI)	2,000.00



Hamilton Public Library Board	2,000.00
Town of Ancaster	483.00
Town of Dundas	505.00
Town of Flamborough	665.00
Township of Glanbrook	232.00
Hamilton-Wentworth Regional Police	3,000.00
Hamilton Board of Education	5,000.00
Hamilton-Wentworth Roman Catholic Separate School Board	5,000.00
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TOTAL	\$ 90,000.00

#### Payment Schedule

March 1st, 1990 - 20% payment retainer.

July 1st, 1990 - 30% payment on completion of first draft report.

September 1st, 1990 - 40% payment on presentation of final report.

Third and final payment of 10% to be held until final approval of consultants report by all participants.

#### VI. CRITERIA FOR SELECTION

The successful consulting firm will be required to include personnel with expertise in records management, archives management and facility planning.

The Hamilton Public Library Board reserves the right to award all or a portion of the study to one or more consulting firm or individual.

**REPORT OF THE NOMINATING COMMITTEE**

To the Council of The Corporation of the City of Hamilton.

Members of Council.

The Nominating Committee presents its **THIRD** Report for the year 1990 and respectfully recommends:

1. The appointment of Mr. Michael Riley to the Hamilton Public Library Board. Term of office expires November 30, 1991.

This appointment fills the unexpired term of Mr. A. DiIanni.

Respectfully submitted,

July 31, 1990.

**ROBERT M. MORROW,  
CHAIRMAN.**





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